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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Combined initial and second reports of State parties

TUNISIA

94-17385

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INTRODUCTION

In conformity with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Tunisia hereby submits to the Secretary-General of the United Nations its first report for consideration by the Committee for the Elimination of Discrimination against Women (CEDAW).

The present report constitutes the initial report and the periodic report combined.

It covers two important periods in the advancement of the status of women in Tunisia:

- The country's independence and the proclamation of the Personal Status Code (PSC) in 1956.

- The advent of political change and the new era of democratisation and the ratification of human rights since 7 November 1987.

The advancement of women results from historical imperatives and constitutes a fundamental and irreversible choice of independent and modern Tunisia.

Backed by the country's vital energies, the strengthening of the basis of democracy within the new social order makes it possible to foresee a better future for Tunisian women.

I. REPORT SUBMITTED BY TUNISIA

1.	Official Name:	The Republic of Tunisia
	Government:	A republic since 25 July 1957 Independence: 20 March 1956
	Language:	Arabic is the official language
	Religion:	Islam is the national religion, 98 per cent of Tunisians are Muslims, with Christians and Jews constituting only 2 per cent of the population.
	Currency:	the Tunisian Dinar: DT

Geography

2. (a) Situation: With an area of 162,155 km^2, Tunisia is situated at the northeastern end of Africa; because of its position, at the hinge between the western and eastern Mediterranean basins which communicate with the oceans through the Straits of Gibraltar and the Suez Canal, situated between 30° and 37° latitude north, bordered on the west by Algeria, on the south by Libya, and opening to the north and east onto the Mediterranean with a coastline stretching over 1300 km, it has been a crossroads of civilizations, occupying as it does a privileged position on the map, at the point where Africa and Europe, East and West converge, an integral part of larger political, economic and cultural systems of which it is an essential link.

3. (b) Terrain: Tunisia's terrain is not very elevated. The country's highest peak, Jebel Chaambi, is no higher than 1544 metres and two-thirds of the country consists of plains. There are three distinct divisions of terrain and climate: The high Tell which covers the whole northern part of the country, the richest and most populated part where the land is fertile and the climate quite moist; Central Tunisia, a region of high steppes bordering on the coast with the Sahel, and southern Tunisia, bordered to the north by the chotts. It is a country of vast deserts, where luxuriant palm gardens spring up around rare water holes. Human life is either concentrated in the oases or dispersed across this vast expanse in search of grazing areas.

4. (c) Climate: Situated in the southern part of the temperate zone and subjected to the influence of the Mediterranean, Tunisia enjoys a generally mild climate. The average temperature is 11.4° in December and 29.3° in July. Rainfall is irregular and unequally distributed over the seasons and the regions (75 per cent of total rainfall occurs during the cold season). The average annual rainfall exceeds 1,500 mm at Aïn Draham in the extreme north and is lower than 150 mm at the southernmost point. Snowfall is rare except on some mountain peaks.

Historic overview

5. Tunisia is an ancient land with a history stretching over three thousand years, and its wide Mediterranean front and southern reach into the depth of Africa have made it a land of encounters and a crucible of civilizations. In the twelfth century B.C Tunisia already had trade relations with the eastern Mediterranean. Economic activity began developing after the founding of Carthage in 814 B.C. Soon, Rome became concerned about its power. The Punic Wars (264-146 BC), marked by Hannibal's campaign (the battle of Cannae in 216 BC), ended in the destruction of Carthage. After the Roman conquest, Tunisia became the famed "granary of Rome".

6. Tunisia, land of Islam. In the middle of the seventh century, Tunisia was integrated into the Islamic world. Kairouan, founded in 670 by Okba Ibn Nafaa, became its brilliant capital. In 800, Ibrahim Ibn El Aghlab founded a dynasty which would enjoy a prosperous reign lasting over a century. In 910, the Shiite Obeid of Allah El Mahdi founded the Fatimid dynasty and established his capital at Mahdia.

7. Having conquered Egypt in 973, Caliph Al Moizz established his government at Cairo and left the Zirids to rule. The country experienced a period of peace and prosperity marked by the emergence of great scholars, writers and artists (Ibn al Jazzar, Ibn Sharaf, Ibn Rashiq...), which was ended in the eleventh century with the invasion of the Hilalians, who plundered the cities and the countryside.

8. In the twelfth century, the Normans took the eastern shore of the Sahel but were driven out by the Almohades, who came from Morocco, and entrusted Ifrikya to Sheikh Abu Hafs; his son, Abu Zakaria founded the Hafsid dynasty which would rule from 1236 to 1574.

9. The capital, Tunis, experienced unprecedented urban growth. Intellectual life was dominated by two exceptional men: Ibn Arafa (theologian) and Ibn Khaldoun (historian, the creator of modern sociology).

10. The Turks and the Husseinite dynasty. In the sixteenth century, Tunisia became the prey of Spanish and Turkish imperialism. In 1574, the victory of Sinan Pasha established Turkish rule. In 1705, Hussein Ben Ali proclaimed himself Bey of Tunis and founded the hereditary dynasty of the Husseinites. In the middle of the nineteenth century, a financial crisis brought on by the excesses of the bey and his entourage resulted in massive foreign debt and popular discontent (revolt of 1864). The reorganization undertaken by Kheireddine was unable to save the country, which had aroused the greed of the colonial powers.

11. In 1881, France invaded the country and imposed on Tunisia its protectorate (Treaty of Bardo). However, neither the establishment of the protectorate nor military occupation could overcome the Tunisians' patriotic sentiments. After popular revolts, the resistance took various forms (the Young Tunisian Movement, the Jellaz incidents, strikes, riots...). In 1920, the nationalist Abdelaziz Thaalbi initiated the establishment of the Constitutional Liberal Party (or

Destour), which among other demands called for an elected assembly and an autonomous Tunisian Government.

12. In 1934, some young intellectuals who had joined Destour came into conflict with the older members. The breach between the two groups was confirmed in 1934 through the creation of The Neo-Destour. The new party, which had among its leaders Mahmoud Materi, Habib Bourguiba and Bahri Guiga, played a preponderant part in the struggle for national liberation.

13. In spite of colonial repression, the people, led by the Neo-Destour, appeared increasingly determined to recover their freedom and their dignity. In the course of the struggle for liberation, the Tunisian patriots' resolve caused the French Government to start negotiations which would lead the country to internal autonomy in 1955 and to its independence (20 March 1956). The struggle for national liberation ended with the departure of the last foreign troops (October 1963) and the recovery of the lands held by the settlers (May 1964).

14. On 25 July 1957, absolute monarchy was abolished and a republic was proclaimed. The Tunisian Constitution was ratified in 1959. The country began a planned global development by establishing a socioeconomic infrastructure and initiated a massive expansion of the areas of education and public health. Impetus was given to economic growth and employment through the development of the manufacturing, tourism and service industries, and improved housing. Development activities led to an overall improvement in the standard of living.

15. On 7 November 1987, Tunisia embarked on a new era in its history with the accession of President Zine El Abidine Ben Ali to the highest executive post of the State. An atmosphere of confidence and hope prevails in the country, strengthened daily by the clearly stated political objective of the new Government to preserve human rights and to enhance democracy.

Population

16. According to the 1991 census, Tunisia has a population of 8.2 million, or 52.9 inhabitants per km2, with a female population of 49.3 per cent. 60 per cent of the population is urban.

The labour force consists of over 2.4 million people.

Habitat

17. Considerable efforts are being made in this area. 1.5 million units are currently listed for the equivalent number of families, or a twofold increase in the housing stock in 30 years, with improvements in quality of housing which resulted in a decrease in precarious housing from 50 per cent to 10 per cent for that period.

Economy: GNP* : 1604 DT** per capita in 1992.

18. Since its independence in 1956, Tunisia has intensified its efforts towards economic and social development. Its first task was to create an infrastructure capable of promoting development and making possible the exploitation of national resources and the improvement of agricultural potential.

19. Despite a twofold population increase, income per capita in real terms has more than doubled between 1956 and 1991. Poverty, which at the time of independence affected about two-thirds of the population, has regressed sharply from year to year and, according to the latest consumer survey for 1990, is now limited to only 6.7 per cent. School enrolment efforts have resulted in markedly improved educational levels and significant gains in literacy rates, which reached close to 63 per cent at the end of 1991 against barely 13 per cent in 1956.

20. Since 1987 Tunisia's development has gone through a significant phase and has taken a decisive turn; the new choices which have been adopted and implemented aim to seek increased opportunities abroad for the Tunisian economy, to liberate the creative forces and energies of the private sector and to strengthen the country's capacity for self-development.

21. Overall the economy has reacted well to the adjustment measures, the reorganization and reforms which have been implemented. Taking into account the prevailing internal context, the results for the period 1987-1992, which show an economic growth rate of 8.5 per cent, are truly encouraging.

The following are the chief statistical indicators for Tunisia:

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* GNP: Gross National Product

** 1 Tunisian Dinar = US$1.1

POPULATION

Mid-Year	1986	1991	1996
Total Population	7,465	8,222	9,003
Structure by age (per cent)			
0-4 years	14.5	12.2	11.3
5-14 years	24.7	24.7	22.3
15-59 years	54.1	55.5	58.4
60 years and over	6.7	7.6	8
Labour Force (1000)	2,190	2,411	2,724
Population Indicators			
Gross Birth Rate (per cent)	31	25.0	22.9
Gross Death Rate (per cent)	6.4	6.0	6
Natural Growth Rate (per cent)	2.46	1.9	1.7
Fertility Rate (per cent)	4.4	3.45	3.1
Life Expectancy (in years)	67.1	68.9	70
Enrolment Rate (6-15 years) (per cent)	78	79	87

PRODUCTION

	1986	1991	1996
GDP (In mil. of current DT)	7,021	12,131	21,700
Production Structure (per cent)			
Agriculture and fishing	17.9	21	18.4
Manufacturing industries	17.6	20.2	24.2
Non-manufacturing industries	20.8	16.4	13.1
(Hydrocarbons)	(9.9)	(7.1)	(3.3)
Services	43.7	42.7	44.3
(Tourism)	(4.0)	(3.5)	(5.3)

OTHER INDICATORS

	1991	1996
Proportion of Scientific Research to GDP (per cent)	0.25	0.4
Banking Service Rate (Number of agencies per 10,000 inhabitants)	0.7	1.0
Data Processing Equipment in GDP (per cent)	1.7	2.8
Telecommunication Density (Number of lines per 100 inhabitants)	4.0	6.5
Rural Electrification Rates (per cent)	47	65
Drinking Water Supply Rates in Rural Areas (per cent)	68	79
Rate of Water Resources Mobilization (per cent)	64.5	76

POLITICAL AND LEGAL SYSTEMS

22. The observance of principles and of moral values in political acts assumes the existence of a code of conduct, "rules of the game" and a collective discipline, all of which, in countries with old democratic traditions, came to fruition after a long and historic maturing process.

1. The Constitution of Tunisia

23. Proclaimed on 1 June 1959, the Constitution of Tunisia embodies the basic laws that regulate the exercise of power within the State and guarantee the human rights and fundamental freedoms of the individual. It is based on the principle of the separation of powers.

2. The Parliament

24. The Tunisian Parliament consists of one Chamber which since April 1976 is called the "Chamber of Deputies". It is composed of 141 representatives elected to a five-year mandate by direct and secret universal suffrage. The minimum age required for a candidate to stand for election was 28 years of age; during the last reform this was reduced to 25 years.

25. The Chamber of Deputies exercises the legislative power by passing the ordinary and organic laws whereby the ways of applying the basic provisions of the Constitution are established. The Chamber of Deputies also approves economic development plans and treaties.

26. The Chamber of Deputies watches over the government, which since the reform of 1976, is no longer solely responsible to the Head of State but also to the Chamber. To that end, the latter has at its disposal the power to question the authority of the government by voting a motion of censure.

3. The Executive Power

27. Article 37 of the Constitution provides that: "The executive power shall be exercised by the President of the Republic assisted by a government headed by a Prime Minister."

(a) The President of the Republic

28. The President of the Republic is elected to a five-year term by universal, direct and secret vote and may be reelected twice (new articles 39, 40 and 57);

(b) The Government

29. The Prime Minister directs and coordinates government action and, should the need arise, substitutes for the President of the Republic in chairing the Council of Ministers or any other council.

The Government's role is to implement the general policy of the State. It is responsible to the President of the Republic and to the Parliament.

4. The Judicial Power

30. Article 65 of the Tunisian Constitution provides that "the judicial power shall be independent: in the performance of their duties, judges shall be subject to no authority other than that of the law". The judicial branch is composed of the courts of general jurisdiction and the special courts. By order of importance the courts of general jurisdiction are, respectively: the Supreme Court of Appeal, courts of appeal (eight in number), courts of first instance (twenty-three) and the district courts (seventy-three).

31. The special courts are the labour courts, landlord-tenant courts, and the permanent military courts administered by the Ministry of National Defence.

5. The Constitutional Council

32. The Constitutional Council garantees the constitutionality of the laws. The Council was established immediately after the change of 7 November by Decree No. 87-1414 of 16 December 1987, which provides that "the Constitutional Council shall be responsible for examining draft legislation submitted to it by the President of the Republic and for ensuring respect for the Constitution, and for advising on whether such legislation is in conformity with the Constitution".

33. The Constitutional Council has been strengthened by Act No. 90-39 of 18 April 1990 which confers on it legal personality and financial autonomy.

34. The President of the Republic may refer to the Constitutional Council for its examination all matters pertaining to the proper functioning of institutions.

35. It is mandatory to refer to the Council, which is composed of nine members, organic law proposals and draft laws relating to methods of applying the Constitution, to nationality, and civil status. The Council may also be consulted regarding any other draft law. The Constitutional Council's opinion must be attached to the draft law to which it refers when the latter is submitted to the Chamber of Deputies.

6. The Economic and Social Council

36. The Economic and Social Council is a constitutional advisory body to each of the legislative and executive powers. Its powers were amended by Organic Law No. 88-12 of 7 March 1988.

37. It is mandatory to refer to the Economic and Social Council all draft laws pertaining to economic and social affairs as well as all draft laws amending such laws. The Council must likewise be consulted regarding economic and social development plans and their implementation.

38. The examination of economic and social affairs may be referred to the Economic and Social Council, which may issue opinions and suggestions. It is also within its competence to draw the Government's attention to such reforms as it may deem advisable.

39. The Economic and Social Council, which has among its members highly qualified technical persons, is also composed of representatives of parties and of the currents of opinion existing in the country, thereby reflecting the various political and social sensitivities of the nation.

7. The Council of State

40. The Council of State's duties are twofold: that of subjecting the Administration to the law, and that of assessing public finance operations as to their conformity with the law and budgetary regulations.

41. For each of these missions, Article 69 of the Constitution of 1 June 1959 has provided for a separate body. They are the Administrative Court and the Court of Audit.

(a) The Administrative Court

42. Since the establishment of the Administrative Court, Tunisia has reached a new era founded on the principles of legality and sovereignty of the law, and on strengthening the institutions of the State.

43. The functions of the Administrative Tribunal are twofold: to ensure that administrative acts are in conformity with the laws and regulations, thereby protecting citizens against possible government abuse.

Its consultative power consists in performing the role of legal adviser to the Government in giving opinions on the legality of proposed regulations and acts of central, regional and local administrative authorities;

Its jurisdiction enables it to judge Government acts, to verify that they are in conformity with the laws and regulations and, if the need should arise, to declare them null and void following judicial proceedings for infringement of the law and for misuse of powers or procedural error.

(b) The Court of Audit

44. The auditing of public finance operations carried out by the Court of Audit is specific. On the one hand, it complements a series of other policy and administrative audits. On the other, its audits have a jurisdictional function which affects acts carried out by administators and public expenditure accountants.

8. Tunisian Administrative Structure

45. Tunisia's administrative structure combines three major models: centralization, devolution and decentralization.

46. The central administration consists of the various ministerial departments which are established by decree. Their number varies according to need.

47. Government by devolution is represented by outlying administration and services, mainly the governorships, which currently amount to 23 and are subdivided into delegations (220) which in turn are distributed into "Imada" sectors. They are headed, respectively, by governors, delegates and "omda" sector heads. The decentralized administrative structure functions within a framework of regional councils at the regional level, and of communes at the local level. Tunisia has an equal number of regional councils and governorships as well as 246 communes managed by municipal councils. All these decentralized bodies enjoy legal status and financial autonomy.

In Tunisia, there also exists a form of technical decentralization which operates through a large number of public institutions concerned with administration, industry and trade, as well as through a whole array of public entities operating in the various sectors of the country's economic and social life.

9. The National Covenant

48. Having just begun on its journey towards democracy, Tunisia needed a covenant that would enunciate a common purpose in the management of political relations. That document was prepared and then signed on 7 November 1988 by all the political and social actors involved.

49. The National Covenant lays down the principle of multiple parties within the framework of the law among all political groups and other tendencies in the country. Furthermore, it provides standard rights corresponding to what has come to be known as third generation rights, such as the right to social peace, the right to a healthy democratic climate and the right to development.

10. The Press Code

50. The Press Code promulgated by Act 75-32 of 28 April 1975 has since 7 November 1987 been amended twice in succession by Organic Laws No. 88-89 of 2 August 1989 and No. 93-85 of 2 August 1993 with the purpose of strengthening public liberties, freedom of the press and freedom of thought.

51. The principal purpose of the new law is to establish the liberties set forth in Article 8 of the Tunisian Constitution which stipulates that "freedom of thought and expression, of the press, publication and assembly, and freedom of association shall be guaranteed and exercised in accordance with the law".

11. Political Parties

52. Article 8 of the Constitution guarantees the conditions that will enable Tunisian citizens to mature politically within the framework of a lawful, pluralistic and democratic society, by granting them freedom of thought and expression and freedom of assembly and of association. It also entrusts them with the obligation to respect and defend the Arab-Islamic identity of Tunisia, human rights, and the achievements of the nation, namely the republican form of government, the principle of popular sovereignty and the rules of personal law.

53. The law governing political parties, promulgated on 3 May 1988, defines a political party as a political organization, permanent and not-for-profit, of Tunisian citizens linked by common principles, opinions and political objectives, who act within that framework to the following ends:

- to contribute to the enrolment of citizens and to organize their participation in the political life of the country within the framework of a political program;

- to participate in the elections provided for in the Constitution and the law by presenting or sponsoring candidates.

54. The parties are furthermore obligated to ban all violence, as well as fanaticism, racism and all other forms of discrimination. To that end, the law concerning political parties prohibits any party from being "fundamentally based

on religion, language, race, sex or region in its principles, activities and programmes".

55. From the beginning of the 1930s to the beginning of the 1980s, Neo-Destour, which became in 1963 the Destourien Socialist Party (Parti Socialiste Destourien (PSD) and, since 27 February 1988, the Democratic Constitutional Assembly (Rassemblement Constitutionnel Démocratique (RCD)), has dominated political activity in Tunisia.

56. At present, there are six recognized political parties in addition to RCD:

- The Tunisian Communist Party (PCT): suspended since 1963, the ban against it was lifted on 18 July 1993; its name was changed during its last congress in 1993 and it was henceforth called the ETTAJDID Movement (Renewal);

- The Socialist Democratic Movement (MDS), recognized on 19 November 1983;

- The Party of Popular Unity (PUP), recognized 19 November 1983;

- The Social Party for Progress (PSP), recognized 12 September 1988;

- The Progressive Socialist Assembly (RSP), recognized 12 September 1988;

- The Democratic Unionists (Union Démocratique Unioniste), recognized 30 November 1988.

12. The principles of Justice and Human Rights

57. With regard to human rights, and after the elimination of the Court of National Security and the function of the Procurator General of the Republic, several provisions of statutes and regulations in conformity with the principles upheld by the United Nations have been implemented since the change of 7 November 1987 in Tunisia:

- Act 87-70 of 26 November 1987 governing police custody and limiting the duration of preventive detention;

- Decree No. 88-876 of 4 November 1988 improved the situation of detainees; it prohibited any discrimination in the treatment of prisoners and provided for the mandatory separation of different categories, by sex, age, criminal record, motive of detention and rehabilitation requirement. It incorporates in full the minimum standards required by the United Nations;

- Act 89-23 of 27 February 1989 abolished forced labour and has made detention a means of reeducation and of rehabilitation in order to achieve the prisoner's reintegration into society.

58. Concern for a more humane approach to detention was also manifested by the fact that Tunisia ratified without any reservations the United Nations Convention of 1984 against torture and other cruel, inhuman and degrading treatment (Act No. 88-79 of 11 July 1988).

59. Concerned about the need to respect and to strengthen human rights in Tunisia, the public authorities have created human rights units within the ministerial departments responsible for the implementation of the political will in that respect.

60. In the same spirit and with a view to encouraging non-governmental organizations to establish themselves in and carry out their activities from Tunisia, Organic Law No. 93-80 of 26 July 1993 was promulgated.

As a matter of fact, Tunisia harbours many non-governmental organizations, among others:

- The Tunisian League for Human Rights;
- The Arab Institute for Human Rights;
- The Tunisian Chapter of Amnesty International;
- Greenpeace;
- The African Center for Democracy and Development.

II. POLICIES AND LEGISLATION TO ELIMINATE DISCRIMINATION AND TO ENSURE THE FULL DEVELOPMENT AND ADVANCEMENT OF WOMEN

(Articles 1-3)

"Article 1

For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

"Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate menas and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women."

"Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality of men."

61. By virtue of its geography, its history, its culture and its civilization, Tunisia has always been a land of openness, solidarity and tolerance, where the human element constituted the essential foundation for a healthy, harmonious and interdependent society.

62. As early as the beginning of this century, reform movements began to appear in Tunisia which called for reforms in the status of women and the family.

63. A modernist and reforming trend in the Arab-Muslim world began to emerge in Tunisia in the 1930s, led by Tahar Haddad, a renowned reformer and proponent of women's emancipation.

64. "Islam is unfairly accused of thwarting progress, but is in fact the quintessential religion of progress. Our decline only came about as a consequence of the fantasies with which we had filled our heads and the scandalous and static customs which imprisoned us", wrote Tahar Haddad in the introduction to his work "Our Women in the Sharia and Society".

65. Indeed, rather than dealing with the question of women's emancipation as a separate matter, the reform movement included it in the larger context of national liberation.

66. Thus, the women's movement asserted itself with the help of and through the national movement which functioned as a propelling force since women form an integral part of the nation and it is only logical that they should react in this way to the awareness that liberty and dignity are indivisible.

67. Immediately after independence, in 1956, Tunisian legislators began to rely on the energy that half the country's population represented and they set men and women, the two components of society, on an equal footing as regards their rights and obligations to the nation and to the socioeconomic development of the country.

68. The first steps, difficult but revolutionary and pioneering, towards the establishment of equality between the sexes, were taken with the promulgation of the Personal Status Code (Code du Statut Personnel) (PSC) on 13 August 1956, ending a social system based on inequality between men and women. Habib Bourguiba, the leader of Neo-Destour and the first President of Tunisia, played an essential role in promulgating the Code. The principle of equality was boldly introduced into family law and enshrined in the Tunisian Constitution of 1 June 1959 under Article 6, which stipulates that "All citizens have equal rights and obligations, they are equal before the law".

69. From that time, political reform would join with social reform to attune Tunisian legislation to the model of society decided upon by political choice, and by way of a sound interpretation of the precepts of Islam in order to strengthen the country's independence by reinstating the dignity of all citizens, to put an end to the era of repudiation, polygamy and confinement, and to establish mutual respect between husband and wife for the welfare of the children and the stability of the national community.

70. The day of 13 August has been declared a national paid holiday and has been given the name of "Women's Day".

71. On 7 November 1987, with the accession of President Zine El Abidine BEN ALI to the presidency, a new era began in which, with the restoration of human rights, democracy and true citizenship, the policy of proclaiming openly the irreversibility of the rights acquired by women was adopted, while at the same time the political leadership stated explicitly that the implementation of the regime's economic and social development objectives required a common effort,

excluding none, if the basis for a modern and pluralistic civil society were to be built in which women were to fully assume their rights and obligations as citizens, de facto as well as de jure.

72. In Tunisia's new era, the main thrust of its modernist philosophy lies in its determination to bring women's status into harmony with a state of law, of democratic freedoms and human rights, the basis for which the present political leadership is striving to establish.

73. In an atmosphere of rising religious fundamentalism which takes its inspiration from the narrow concepts originating in an era of intellectual stagnation, and thereby threatens the emancipation and advancement of women in the Arab-Islamic countries, President Zine el Abidine Ben Ali's address of 13 August 1992 once again gives revolutionary impetus to the country's development effort, implementing the rights of women in daily practice by strengthening them with a new range of measures which will amend Tunisian legislation in that regard (see Annex II). The principle of equality of men and women before the law and with respect to citizenship is embodied in the various Tunisian legislative codes.

WOMEN AND THE PERSONAL STATUS CODE

74. The Personal Status Code constitutes the most far-reaching social reform in favour of women's rights and introduces the principle of equality. The Code has been the moving force behind women's emancipation in Tunisia; a new family structure was created on the basis of equality before the law between men and women as well as sounder marital relations within the family and society, by enacting a broad range of measures which, essentially, provide the following:

- The abolition of polygamy (violation is punishable by law as a criminal offence);

- The institution of legal divorce, the prohibition of repudiation and the granting of divorce rights to both spouses;

- Marriageable age is 17 for young women, only with their consent;

- Women have the right of appearing in court and engaging in legal proceedings (locus standi) under their own name; women have the same legal capacity as men and the same opportunities to exercise that capacity;

- In case of the father's death, the mother is granted guardianship over her minor children;

- The institution, in matters of inheritance, of a mandatory bequest in favour of the daughter's children if she should die before her father;

- Statutory reversion: an only daughter inherits her parents' property.

75. In Tunisia's new era, the rights of women form an integral part of human rights and are therefore inalienable, hence the will to tighten legislative provisions likely to be equivocal or to be interpreted as being discriminatory. In fact, several amendments to the Code are being made to improve existing legislation, pursuant to the measures announced by the President of the Republic in his 13 August 1992 address; the following are some of the principal provisions: (See Annex II)

- Maternal consent to the marriage of her minor child (17-20 years);
- The mother's participation in the management of her children's affairs, particularly the divorced mother with custody of her children;
- A minor female is emancipated through marriage and therefore has the right to manage her private affairs;
- Sanctions against marital violence: marital relationship is henceforth to be regarded as an aggravating circumstance;
- The creation of a fund to guarantee the payment of alimony as determined by the judge in favour of divorced women and their children;
- Girls are to continue to receive such support payments until they join the work force or marry.

WOMEN AND PUBLIC LAW

76. The Tunisian Constitution promulgated on 1 June 1959 regarded women as full citizens, thereby establishing legal equality between men and women: it is stipulated in Article 6 that "citizens are equal before the law". This means that as citizens women have a right to exercise fully all their political, economic and social rights.

77. Women have the right to vote and are eligible for election under the provisions contained in Articles 20 and 21 of the Constitution and those of the Electoral Code which more explicitly stipulates that: "all Tunisians, male and female, who have attained 20 years of age shall be voters...". Thus, the way is open to women to present themselves and to be represented in all instances and at all levels of constitutional and political life: to the presidency of the Republic (Article 40 of the Constitution), the Chamber of Deputies, the Economic and Social Council, the Municipal Councils, political parties, and other associations and institutions concerned with the public and political life of the country.

WOMEN AND THE CRIMINAL CODE

78. Tunisian criminal legislation embodies the principles of equality between the sexes and addresses concerns for the protection of women against every form of abuse.

79. However, specific criminal provisions exist for pregnant women: thus, the Tunisian Criminal Code instituted by Decree of 9 July 1913, stipulates under Article 5, as amended by Act 64-34 of 2 July 1964 and by Act 66-63 of 5 July 1966, that the execution of a pregnant woman condemned to death shall be delayed until after her delivery.

80. In connection with the above, it should be pointed out that the President of the Republic has repeatedly made use of his right to grant a reprieve to the execution of the death penalty. In some cases, however, the death penalty has been applied where the crime was particularly odious. No woman has been condemned to death since independence.

81. As a measure for preventing an increase in rape, Tunisian legislators amended some articles of the Criminal Code by Act 85/9 of 7 March 1985, to increase existing penalties for this type of crime.

82. Incitement to debauchery is an offence punishable by law. Thus, women who by word or gesture solicit passers-by or engage in prostitution, even occasionally, are punishable by law. Procuring and engaging in the exploitation of prostitution are likewise punishable.

83. Concerned with the need to establish greater equality between men and women as regards some offences, Tunisian legislators, by Act 62/22 of 24 May 1962, have determined that non-presentation of a child constitutes an offence under which any person guilty of not presenting a minor to those with a legitimate claim to him, or who either kidnap or take away a minor from those entrusted with his/her custody or from the premises where the minor was placed by his/her custodians, even where no fraud or violence are involved, is punishable by law.

84. The father and mother are likewise punishable if they fail to fulfil their obligations, either by abandoning the conjugal domicile without serious motive, by failing to care for a minor child, by abandoning the child in a health care or social unit without need or benefit to the minor, or by conspicuous lack of care resulting in evident physical or moral harm to their ward.

85. With regard to adultery, until 1968 our criminal legislation only condemned adultery committed by the woman, an offence punished by five years of imprisonment: the wronged husband could initiate proceedings or reverse the condemnation by granting his pardon.

86. By an amendment to Article 236 of the Criminal Code incorporated into Act 68/1 of 8 March 1968, men and women are treated on equal terms with regard to the offence and the punishment and are equally able to initiate proceedings or to reverse their consequences.

87. It should be pointed out in that regard that whereas the Criminal Code, under Article 207, provides for a punishment of five years of emprisonment for a husband who murders his spouse or her accomplice caught in flagrante delicto, it nevertheless remains silent with respect to the crime committed by the wife against her husband caught in flagrante delicto.

88. Respect for the right to life has inspired Tunisian legislators, following the President's speech of 13 August 1992, to reinstate equality between men and women before the law with regard to punishment for homicide committed by one of the spouses upon discovering the other in flagrante delicto of adultery.

A draft law has been introduced to repeal the discriminatory provisions of the Criminal Code with regard to that crime by making it an ordinary law crime, regardless of whether the crime has been committed by a man or woman. The judge is free to grant or not to grant the benefit of attenuating circumstances.

TUNISIAN WOMEN AND THE CODE OF NATIONALITY

89. Under the pertinent provisions of the Code of Nationality, nationality by birth is granted to women under the same terms as for men. However, where change of nationality occurs through loss, deprivation or withdrawal, Tunisian legislators have made a distinction between the sexes by applying all the causes for change of nationality described above to the wife of a Tunisian affected by one of the causes, but not to the husband of a Tunisian woman affected by the same situation (Articles 30, 31, 32, 34, 35, 36, 37, and 38 of the Code of Nationality).

90. Tunisian men and women are furthermore unequal before the law with respect to transmission of nationality to alien spouses and children.

91. The marriage of a Tunisian male to an alien enables the latter to acquire the nationality by benefit of law. The wife may thus acquire Tunisian nationality at the time of the marriage if under her national law she loses her nationality of origin by marriage to an alien (Article 13 of the Code of Nationality pursuant to Decree-Law No. 63-6 of 28 February 1963 as ratified by Act 63-7 of 22 April 1963).

92. An alien woman married to a Tunisian national who, pursuant to her national law, preserves her nationality of origin despite having married a foreign national, may apply by declaration for Tunisian nationality if the couple has resided in Tunisia for a minimum of two years (Article 14 of the Code of Nationality). The alien spouse of a Tunisian woman may acquire Tunisian nationality through the process of naturalization granted by decree. He may be naturalized if the couple resides in Tunisia at the time of application and if he can show proof that he possesses an adequate knowledge of the Arabic language (according to his situation).

93. Inequality also exists with respect to the nationality of the children of a Tunisian mother residing abroad; indeed, Article 6 of the Code of Nationality stipulates that:

The following are Tunisian:

(1) The child of a Tunisian father (regardless of place of birth);

(2) The child of a Tunisian mother and of an unknown father or a father without nationality or of unknown nationality;

(3) The child born in Tunisia of a Tunisian mother and a foreign father.

94. Thus, the child born abroad of a Tunisian mother does not automatically have Tunisian nationality, but may acquire that nationality by fulfilling the requirements described in paragraph 2 of the aforementioned article or by applying by declaration for Tunisian nationality within the year preceding his coming of age and under the conditions provided by law (Article 12 of the Code of Nationality).

95. It should be pointed out that in his speech of 13 August 1993, the President of the Republic announced his decision to submit to the Parliament an amendment tc Article 22 of the Code of Nationality in order to enable any Tunisian woman married to a non-Tunisian to transfer her nationality to the children born of that marriage without having to fulfil the condition that they should be born in Tunisia.

WOMEN AND THE CIVIL AND COMMERCIAL CODES

96. In traditional society women were treated as eternal minors, coming of age only two years after marriage, while men did so at eighteen.

97. The new legislative Codes promulgated immediately after independence would gradually eradicate all forms of discrimination against women.

98. Thus, Article 7 of the Code of Obligations and Contracts, as amended by Decree of 3 August 1956, grants women their full rights regarding legal age by establishing that 20 years shall be the legal age of maturity for all citizens. Women have recovered the right to make contracts, to buy and sell and to dispose of their movable and immovable property. Marriage does not modify this provision since, pursuant to article 24 of PSC, the husband has no administrative power over his wife's personal property.

SOCIAL RIGHTS AND WOMEN

99. The principal rights that the Tunisian Constitution guarantees to women are the right to education, the right to work, equal employment opportunity, and the right to social security.

1. The Right to Education

100. The mass attendance at school of the school-age population and the generalization of education which occurred after independence brought about a

virtual social revolution which girls experienced all the more acutely as they emerged from a state of ignorance and illiteracy.

101. Act 91/65 of 29 July 1991 guarantees the right of girls to education by providing in its third paragraph that the fundamental objective of education is to enable the children of both sexes, regardless of race, religion or origin, to develop their personalities and talents.

102. Equal rights in the field of education applies to participation at all levels of the school curriculum.

2. The Right to Work

103. The Act of 3 June 1968 which establishes civil service regulations, those of local authorities and of public administrative bodies, as amended by Act 83-112 of 12 December 1983, applies to men and women without discrimination of sex.

104. Women's right to work is guaranteed by civil service regulations; it is also guaranteed in the private sector by the Labour Code and the framework Collective Labour Agreement of 29 March 1973, which stipulate that men and women shall have equal access to employment, entitlements and payment, without any distinction. A draft law has introduced without ambiguity the principle of non-discrimination in employment (See Annex II).

3. The Right to Social Security

105. In order to facilitate women's access to the labour market, a set of laws had to be devised to guarantee that their working conditions would fit their other family and social obligations. Bold measures were provided for that purpose in the Labour Code, in order to guarantee the social rights of working women.

106. For example, the Labour Code protects women against night work, which is only authorized in very rare cases of which the labour inspectorate must be informed; it also prohibits employers from employing women to do underground work, in mines and in ore processing plants, regardless of their age.

107. In addition to this commendable concern for the health of women, the Labour Code is notable for its Article 4 which requires that managers preserve high moral values at the place of work of women and children under 18 years of age.

108. With respect to maternity and nursing, women benefit from important measures which enable them to maintain their health and to give the best possible care to the newborn child. Civil service regulations, the Labour Code and the Social Security Act guarantee women social coverage as a salaried employee and as the spouse of a salaried employee.

109. Act 83/112 of 12 December 1983 regarding the public service provides for two months of fully paid maternity leave, instead of one month as used to be the

case, as well as one to four months post-natal leave at half pay, without affecting promotion and retirement rights.

110. In the private sector, Article 64 of the Labour Code guarantees 30 days of maternity leave with the possibility of fifteen additional days with a doctor's certificate, as well as one hour's rest per workday for one year for nursing. The labour code also prescribes that all companies employing at least fifty women must have a room set apart for nursing.

WOMEN AND FAMILY PLANNING LEGISLATION

111. In traditional society, the role of women was limited to procreating and raising children, usually many, who because of their number often adversely affected the mother's physical and emotional health, as well as the demographic situation of the country.

112. In the early 1960s, Tunisia adopted a rational population policy which considered the mother's health as well as her economic and social status, and was based on a global strategy of birth control and family planning. The implementation of that strategy played an important role in preserving family and social stability and helped in establishing and consolidating the rights of women and their fundamental freedoms.

113. Import and sale of contraceptives are therefore authorized (Act No. 62/7 of 9 January 1962) and abortion is legal. Act 65/24 of 1 July 1965 amending Article 214 of the Criminal Code authorizes free abortions during the first three months of pregnancy if the couple already has three living children, if the mother's health is threatened, or if the viability of the fetus is in doubt due to congenital malformation or some other serious condition.

114. Interruption of pregnancy must however be performed by a practicing doctor in a clinic or an approved hospital. The husband's agreement is not required and the decision to continue the pregnancy is the wife's prerogative.

TUNISIA AS A STATE PARTY TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

1. The Convention in the International Context

115. The text of the Convention states the universal and inalienable rights already enshrined in the United Nations Charter. The Convention draws its essential inspiration from the Universal Declaration of Human Rights and follows up on the Declaration on the Elimination of Discrimination against Women, approved in 1967, whose provisions it reinforces by means of a legal instrument.

116. The application of its provisions has important consequences for international social policies as it modifies the meaning of equality between the sexes, transforming an abstract formula into specific definitions. The forward-

looking strategies of Nairobi constitute the framework for the implementation of the Convention.

117. Whereas the Nairobi strategies represent a compilation of the measures that States should adopt in order to achieve equality between the sexes, the Convention is a legal instrument with mandatory enforceability internationally, which establishes international standards applicable to the treatment of women in all areas of life.

2. Adoption of the Convention

118. On 18 December 1979, by resolution 34/180, the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women. This instrument makes a decisive contribution to the implementation of equal rights for women. The provisions of the Convention aim principally at establishing the equality of women regardless of their marital status in all areas of political, economic, social, cultural and civil life and provide for the adoption at the national level of legislation prohibiting discrimination and the adoption of special temporary measures to hasten the implementation of actual equality between men and women and also to modify the social and cultural patterns of conduct which are responsible for preserving discriminatory attitudes.

3. Adhesion of Tunisia

119. Tunisia signed the Convention on 24 July 1980; the Chamber of Deputies debated and adopted the Convention at its 9 July 1985 session; Act No. 85-68 of 12 July 1985 ratifying the Convention and the text of the Convention were published in the Official Gazette of the Tunisian Republic on 26 November 1991.

120. The fact that Tunisia has adopted the majority of the principles embodied in international conventions, on human rights in general and, more specifically, on equal rights for men and women and non-discrimination with regard to women, is largely due to the great advances made in domestic law and Tunisian legislation since 1956, and the positive effect of the State's legislative reforms on equality between the sexes. However, legislation alone cannot overturn behaviours and mentalities formed by centuries of tradition.

121. It is true that there remain some specific legal situations in Tunisian law which differ from the concepts of equality stated in the Convention, and that this has led to the expression of reservations against some paragraphs of the Convention.

122. Such reservations must be regarded as temporary until the various provisions of the Convention can be fully integrated into existing Tunisian legislation.

123. With this in mind, on 31 December 1991, political leaders and legislators reaffirmed before the Chamber of Deputies their determination to implement the rights of women and to eradicate all forms of discrimination against them

through the initiative of the President of the Republic to establish a working group entrusted with the examination of methods whereby the development of women's interests was to be translated into laws and regulations that do not negate Tunisia's Arab-Islamic identity.

124. New measures were adopted without delay and were announced by the President of the Republic in his address of 13 August 1992, on the occasion of the celebration of Women's Day (the full text of the address is annexed).

125. As will become apparent in various parts of the present report, these measures are at the source of, and will provide the basis for, a number of draft amendments to legal texts. The draft amendments are being examined by the Chamber of Deputies.

THE NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN

126. The Tunisian State, aware of the need for an institutional framework to support the advancement of women, has established a series of organizational structures for that purpose. This has led to the creation of a State Secretariat and national commissions for the women and the family.

1. The State Secretariat for Women and the Family

127. The State Secretariat for the Women and the Family has the following functions:

- it participates in the formulation of Government policies pertaining to the advancement of women and the family;
- it submits drafts of legal texts and regulations within the framework of its functions;
- it submits programme proposals aimed at ensuring the promotion of family values and a greater integration of women into the development process, as well as defining the measures needed for their success; this is done in conjunction with the ministries and bodies concerned;
- it assesses the impact of governmental and non-governmental programmes and projects on the status of women and the family which are supported by the State;
- it promotes measures intended to implement the rights of women in society and to guarantee equality in political, economic, social and cultural life.

128. The State Secretariat is also responsible for the promotion and coordination of various actions on the part of institutions engaged in work that benefits women and the family.

2. The National Commissions

(a) The National Commission for Women and the Family

129. The Commission was established by Decree No. 92-2136 of 7 December 1992. Its functions are essentially the following:

- Providing coordination among the various ministries, parties and organizations active in the affairs of women and the family which will be called upon to participate in the preparation and celebration of the International Year of the Family, Women's Day and National Family Day;

- Preparing a report on the results achieved and future strategies having to do with the affairs of women and the family;

- Preparing and assessing an action programme for the celebration of National Women's Day and National Family Day;

- Preparing a programme for the celebrations of National Women's Day and National Family Day.

130. The Commission is composed of delegates from various ministerial departments and from national organizations and associations directly involved with the affairs of women and the family.

(b) The National "Women and Development" Commission

131. Because women are insufficiently represented on the various national planning committees for the Eighth National Development Plan (1992-1996), the President of the Republic, in June 1991, decided to appoint a special commission: the "Women and Development" consultative commission will enable women to participate in the preparation of major decisions involving the future of the nation.

3. The Centre for Research, Documentation and Information on Women (CREDIF)

132. Conscious of the fact that the development of studies and research on women and the availability of data specifically related thereto are essential elements in preparing a realistic policy for the advancement of women and for the implementation of programmes adapted to their needs, the Government has founded the Centre for Research, Documentation and Information on Women (CREDIF) (7 August 1992).

133. The Centre, which is also intended to function as a place of exchange and communication for many women's associations, fills a pressing need for information and data that would assist women's groups in identifying special programmes and projects benefitting them.

134. CREDIF aims to take advantage of the Eighth Plan to intensify its multi-disciplinary research programme on women.

4. Non-Governmental Organizations in Tunisia

135. The participation of women to associations and groups and their activism in the political arena and in non-governmental organizations dates back to 1936, when the Islamic Union of Tunisian Women (UNFT) was established; the Union of Tunisian Women was created in 1944.

* Islamic Union of Tunisian Women (UNFT):

136. Created in January 1956, immediately after the country's independence, UNFT is the pioneer of women's organizations. Because its activities date back to the struggle for national liberation, it enjoys great prestige and broad popular support. UNFT is engaged in the advancement of the status of women in the decisive areas of political, economic, social and cultural life, on the basis of equal rights and obligations for men and women.

- UNFT consists of 27 regional delegations, an executive office of 15 members and a central committee of 70 members elected for a five-year mandate. It also encompasses several professional leagues: "Women and the Environment", "Women in Research", "Women Magistrates", etc.;

- UNFT has established 176 professional training centres distributed all over the country;

- Its political strategy is to institute a society founded on the principles of democracy and plurality and to further human rights in Tunisia.

* Tunisian Women's Association for Democracy (ATFD):

138. Created on 6 August 1989, ATFD groups women of different persuasions; its aim is to help women become aware of their rights and to foster women's participation in active life.

* Tunisian Women's Association for Research and Development (AFTURD):

139. Created in February 1989, AFTURD derived from a section of the African Women's Association for Research and Development headquartered in Dakar. Its aim is to carry out studies on women's assimilation into the development process in order to ensure their effective participation in decision-making in the areas of economic and social development.

* Association for the Promotion of Women's Projects within the Economy (APROFE):

140. Established on 10 June 1990, APROFE acts to improve women's participation in the dynamics of investment and the creation of jobs by assisting them in launching and carrying out their own projects.

* The National Council of Women Heads of Enterprises (CNFCE) of the Tunisian Union for Industry, Trade and Handicrafts (UTICA):

141. CNFCE was established on 29 June 1990 and has about 300 members (who represent some 15,000 employees). Its aim is to protect the achievements of women project managers in social, economic, financial and taxation affairs. It also acts to encourage women to start projects and, to that end, also serves to raise the consciousness of women at the national level by organizing seminars and meetings.

* National Women Cultivators Federation (FNA) in the Tunisian Union for Agriculture and Fisheries:

142. The FNA was formed on 21 December 1990. It comprises 18 regional delegations and two local sections. The FNA's function is to guide women farmers by helping them with the economic and financial management of their farming enterprises and to promote family farming.

* The National 'Women and Work' Committee of the General Tunisian Labour Union (UGTT):

143. Founded in July 1991, UGTT's National 'Women and Work' Committee relies on 27 sectoral committees established around the Republic. Its special purpose is to carry out studies and surveys for the assessment of women's status at the social, economic and legal levels.

* World Mothers' Movement - Tunisian Section (M.M.M. - Tunisia):

144. The Association was established in 1992 to assist mothers in fully carrying out their family and professional responsibilities while simultaneously acting to further women's integration into the economic and social development process.

* "Fragrance of the Earth" Association of Maghreb emigrant women in Grenoble:

145. Social and cultural association. Founded on 18 December 1981, it has several Tunisian members. It acts to encourage human and cultural intercourse, particularly at the association level. It initiates and participates in social and human solidarity actions and is meant to act as a forum for cultural and artistic creativity.

* "Alyssa" Club:

146. Cultural and artistic women's association established on 15 August 1990 for the purpose of organizing activities in the areas of culture, art and entertainment.

III. TEMPORARY MEASURES (AFFIRMATIVE ACTION) TO ACCELERATE EQUALITY BETWEEN MEN AND WOMEN

(Article 4)

"1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory."

147. The advancement of the status of women is a matter of ongoing concern for the Tunisian Government in the formulation of its policies. Indeed, a whole range of measures in favour of women have been adopted which bear on all aspects of political, economic and social life. The gains made by women in three decades of development are living proof of the place they have achieved in society and of their effective participation in building up civil society.

148. Since the political change of 7 November 1987, these gains have been reinforced by cultural choices and a clear political decision to implement the principle of equality between men and women and to increase the participation of women in the development task.

149. In its desire to develop the rights already acquired by women and to promote the full scope of their application, the Tunisian Government has provided for a comprehensive set of positive measures to be adopted in the course of the Eighth Plan (1992-1996), which are grouped under four main themes:

- to strengthen the participation of women in productive activities;
- to promote the human resource that women represent;
- to help vulnerable groups;
- to consolidate the machinery for the advancement of women.

THE PROMOTION OF WOMEN'S PARTICIPATION IN PRODUCTIVE ACTIVITIES

150. The last three decades of development have seen a marked increase in the number of working women: from 5.5 per cent in 1966 to 20.9 per cent in 1989, and to 27.6 per cent in 1992. This increase was due to several factors, the most notable of which was a rise in women's median marriage age resulting from the expansion of the educational system which, by enabling girls to stay longer in school, gave them access to various areas of economically active life.

151. The participation of women in production is particularly important in the sectors of agriculture, industry, handicrafts, and tourism, all of which are considered key sectors of the Tunisian economy.

152. The rate of women's productive activities remains nevertheless low compared with the existing potential that women represent. It is precisely this potential that the Eighth Plan is intended to tap in order to meet the national goals of accelerating the rate of growth, promoting investment and encouraging private enterprise.

1. Women in the Agricultural Sector

153. Despite their massive representation in the agricultural sector, women do not possess the agricultural skills necessary to help them improve their working methods and raise their productivity. With this situation in mind, efforts will be made during the Eighth Plan to improve women's agricultural productivity through the introduction of modern techniques and the promotion of agricultural training programmes to help rural women.

154. The coming five-year period will be characterized by the launching of several comprehensive scientific projects which are intended to improve rural women's conditions, in particular the installation of community services such as drinking water supply, housing and various other services (see Article 14).

155. Particular attention will furthermore be given to strengthening the position of women in the production process and in the management of agricultural enterprises. Special efforts will be made to assist women in acquiring agricultural property and to involve rural women's organizations in the management of public facilities and services.

156. Efforts will also be made to consolidate the organizational framework for women engaged in agriculture and to expand the information campaign intended to assist them. Audiovisual communication will be used to ensure broader dissemination of the information programmes.

2. Women in the Industrial Sector

157. Women's participation in the industrial sector is relatively large. It should be pointed out in that regard that Act 1972 stimulated the hiring of women workers, particularly in the textile industry. Towards the end of the last decade, encouraged by a comprehensive set of measures and facilities

granted to industrialists and entrepreneurs within the framework of the National Fund for the Small Crafts Industry, women began to appear in the fields of both industrial investment and entrepreneurship. Insufficient self-financing, however, and the guarantees required by banks granting credits, are still major hurdles barring women from investing in industry. A special effort will therefore be made in the course of the Eighth Plan to increase the representation of women in that sector, while at the same time ensuring that they take full advantage of the incentives and assistance offered to private investors in industry and for the promotion of small and medium-sized enterprises.

158. Over 1000 women are currently heads of enterprises, of whom 300 have joined the National Assembly of Tunisian Women Heads of Enterprises within the Tunisian Union for Industry, Trade and Handicrafts.

3. Women in Government and the Public Service

159. In the course of the Eighth Plan, efforts will be made to increase women's opportunities to attend ongoing training cycles in order to further their promotion to positions of responsibility in government and the civil service. Women will also be considered for new functions in administrative and technical positions. In the service sector, they will be offered the opportunity to attend extended workshops and will be given retraining in the areas of data processing and work as agents.

160. It is imperative to explore ways to improve women's qualifications and working conditions in the informal sector, where they are represented in large numbers, thereby ensuring better support for their activities.

THE PROMOTION OF WOMEN'S HUMAN RESOURCES

161. Within the framework of the policy on human resource promotion contained in the Eighth Plan aimed at bringing women increasingly into the development process, a series of measures were adopted to consolidate the gains of women in the field of education, acquisition of professional skills, health, family planning, culture and sports.

1. Education

162. Whereas the period of the VIIth Plan showed marked progress in enrolment rates for girls attending primary and secondary school (45.5 per cent in 1990-1991 against 42.5 per cent in September 1986), as well as at the higher education level (36.4 per cent in 1990-1991 against 35.7 per cent in 1986-1987), discrepancies still exist between the sexes, particularly in the enrolment rates for the first year of primary school. The situation is accentuated by premature educational drop-out involving young girls, particularly in rural areas. There are several factors that cause girls to drop out of school, such as the lack of basic infrastructures in outlying rural areas, incompatible school hours, the

distance of the school, the lack of transportation and, in addition, the pressure exerted on girls to perform farming and household tasks.

163. At the level of secondary education most girls orient their studies towards the subject of literature, thereby greatly reducing their chances of gaining access to technical and scientific specializations at the higher education level.

164. The reform of the educational system reaffirmed the principle that everyone has a right to education. The establishment of basic schools will enable girls to stay in school longer and give them a more solid education which will prepare them better for an active life and prevent their regression to illiteracy and ignorance.

165. The reform provides a series of measures aimed at improving the rate of enrolment for girls from rural areas. In particular, it involves upgrading the basic infrastructure, consolidating the network of school canteens and restructuring school hours to make them more compatible with the rhythm of rural life. Special emphasis will be placed on guiding girls towards scientific and technical fields and granting them scholarships for that purpose.

166. Intervention on the part of non-governmental organizations to support the State's actions in the educational sector and the diversification of their field of action will be sought and encouraged.

167. In addition, since illiteracy is essentially a feminine phenomenon, priority will be given to literacy campaigns for women during the Eighth Development Plan. Indeed, the national literacy programme established will make it possible to target 27,000 women between the ages of 15 and 29 years, thus reducing the rate of illiteracy for that section of the population from 30.1 per cent to 17.2 per cent by 1996.

168. The success of this action plan calls for radical pedagogic changes in the literacy programmes, involving both the teaching methods used and the curriculum, which will enable women to address such diversified questions as family life, health education, home management, and also their rights and obligations as citizens. On the practical level, school hours will be planned around the time-tables of working women in order to reach a maximum number of illiterates. The possibility of broadcasting the courses on radio and television is also being considered.

2. Vocational Training

169. There is evidence that women do not take full advantage of available training facilities; this hampers their prospects in non-traditional trades.

170. Until now, efforts to serve women in that area were mostly made within the framework of regional development programmes and came from national organizations or the public sector, while the means mobilized by public institutions remained insufficient to meet demand.

171. Given these conditions, in the course of the Eighth Plan, vocational training will constitute the backbone of the policy for the advancement of women, its goal being their effective integration into the economic system. Efforts will emphasize the modification of training programmes and their implementation in order to bring them more into line with the needs of the employment market and to see that they offer reasonable income prospects to women. Efforts will also be made to increase the accommodation capacity of the training centres, to include new subjects for young women and to offer broader and more effective training, in order to give women a more solid set of basic qualifications.

172. Vocational training programmes will furthermore be enhanced by the introduction of workshops dealing with starting up production projects, small business financial management, banking procedures and the channels for obtaining credits and loans.

173. Attention will also be given to improving the skills of the training staff, retraining them and raising their levels of qualifications; recruiting high-level training inspectors and replacing technical and scientific equipment at the training centres.

174. Simultaneously, the dissemination of information to women regarding vocational training will be intensified through radio and television programmes.

3. Women's Health

175. It should be noted that health coverage has greatly improved due to the sharp increase in family planning centres and basic health-care units, and the establishment of regional health education and family planning services and the launching of a national mother and child health-care programme.

Under the Eighth Plan several actions will be undertaken to develop health-care services for women and to improve conditions. The primary objective of these actions is to lower women's mortality rates by increasing the rate of monitored deliveries with a target of 85 per cent of all registered deliveries.

176. During that same period, the Government plans to implement the following actions, on at least three different levels:

- To gain more knowledge of the causes of women's mortality through the early detection and diagnosis of diseases which affect women in specific ways, such as cancer and AIDS.

- To launch a national awareness campaign focusing on the health of adolescent girls. The campaign's objective will be to make health personnel more aware of this concern so that they are better equipped to provide the guidance and support that this category of the women's population needs. Government bodies and non-governmental organizations will work together to seek means to improve the welfare of adolescent girls and to find adequate solutions to their specific problems.

- To reduce regional disparities with respect to health, particularly as regards distribution of doctors and paramedical staff. Measures will be adopted to encourage them, particularly general practitioners, gynecologists and midwives, to resettle in the interior of the country.

177. These measures will be taken in conjunction with expanded health-care education, particularly with regard to family planning and the health of the family, and will thus benefit men as well as women.

4. Family Planning

178. Today, the National Family Planning Programme is unanimously recognized as having been a fundamental factor in helping the Tunisian family progress towards the greater harmony and welfare of its members, and also towards a better balance between its material and human resources. Furthermore, priority has been given in the Programme to the physical and mental welfare of mother and child.

179. Nevertheless, and in spite of the progress achieved in that area, both in numbers and quality, deficiencies should be pointed out in the family planning rates, which continue to show great disparity between urban areas (61 per cent) and rural areas (36 per cent), and in the lack of medical and paramedical personnel, especially midwives, in some inner regions of the country.

180. In order to correct this situation, provision will be made to integrate family planning services into those of basic health-care units, thereby ensuring coverage in the most remote areas and increasing the rate of contraceptive use. At the same time, an effort will be made to expand health-care services to include companies and places of work and to boost educational and informational programmes for the rural population by means of mobile units.

5. Cultural Life

181. Women have always shown great vitality and innovative powers in literary and artistic production. The action planned in this area will be twofold:

- To revive the traditional arts, often the expression of feminine artistic creativity, while developing their regional characteristics.

- To recognize the role women have played in many areas and at various times throughout Tunisian history. For this purpose, provision has been made to greatly increase the number of premises where discussions, debates and exhibitions concerning these topics take place, and to publicize the theories of reformers who considered that equality between men and women was one of the fundamentals of Islamic morality.

6. Sports and Physical Education

182. Considering the lagging rates of women's participation in sports, for reasons which may be religious, moral or social in nature, the necessary measures must be taken to give impetus to women's sporting activities, to encourage their participation in national and international sports events and to enable them to improve their physical and athletic abilities. In response to these needs, actions will be carried out at the sectoral level to promote sports among women and to provide the encouragement and financial support required for women's sports teams as well as to encourage sports in the schools, universities and associations.

IMPROVEMENTS IN WOMEN'S FAMILY BENEFITS AND PROTECTION OF THE MOST VULNERABLE GROUPS

1. Improved Assistance to Families

183. In order to enable women to reconcile fully their public life with the requirements of their family life in the best possible conditions, social services providing child care will have to be improved drastically. During the Eighth Plan, special impetus will be given to expanding the network of day care centers and kindergartens and to upgrading the staff qualifications in order to improve services. Encouragement will be given to both public and private initiatives.

184. Because of the importance of women's activities in the home and the many tasks they have to accomplish nowadays to meet the growing needs of their family, an action will be undertaken to make all members of the family aware of the need for both sexes to share the tasks and responsibilities of the family in a more equitable way. To that end, awareness campaigns will be conducted in the media by social welfare officers, in conjunction with women's associations and domestic non-governmental organizations.

2. Measures to Benefit Female Emigrants

185. Female emigrants form a special group in need of support and assistance due to the many difficulties they encounter both in the countries where they emigrate (low educational level, ignorance of administrative procedures and systems, acculturation, etc...) and, on their return, in their own country (employment and cultural reintegration problems). In the course of the Eighth Plan (1992-96), the Government intends to take action to provide guidance and support for female emigrants through the establishment of associations that would foster the emigrant's feeling of belonging and reaffirm Tunisia's Arab-Islamic values.

186. Special consideration will be given to the reintegration of families of migrant workers who elect to return to their country, particularly that of children of the third generation. Literacy programmes as well as encouragement to start up economic projects will be provided for female emigrants.

3. Assistance to the Disadvantaged

187. Priority will be given to women in the disadvantaged stratum of the population in the National Action Programme for Needy Families established by the Eighth Development Plan, particularly for women who are heads of family, as is often the case. This Programme will be strengthened at the regional level by activities of assistance and support within the framework of the Regional Development Programmes. The President of the Republic has created the National Solidarity Fund to improve the standard of living of the disadvantaged section of the population by strengthening the basic infrastructure, housing, and helping to provide a respectable standard of living.

REINFORCEMENT OF THE MEANS FOR THE ADVANCEMENT OF WOMEN

188. Meeting the objectives set for the advancement of the status of women and their integration into the development process requires that a whole range of provisions be made with respect to information, education and communication, as well as in the legislative field.

1. The Role of Communications

189. The use of mass media, such as radio, television and the press will play a major role in informing opinion and raising the public's awareness about the place of women in society and in the development process. Awareness and information campaigns about women's rights will be carried out in the media. Their main object will be to discourage stereotypes and discriminatory behaviour towards women and to put forward a more positive portrayal of women as a valuable asset to society.

190. In addition, emphasis will be given to promoting a feminine press, both in the public and the private sectors, and to consolidating the representation of women in all areas of the information sector.

191. Such measures must be taken in the context of a new communications strategy (information, education and communications).

2. Legislative Change and the Effective Application of the Law

192. Tunisia's ratification of the "International Convention on the Elimination of all Forms of Discrimination against Women" provides an important legal framework which gives impetus to the revision of domestic laws to further equal rights between men and women. The National Commission which was created as a result is entrusted with that mission. It has begun to review legal texts and domestic laws to adapt them to the new measures set out in the 13 August 1992 address of the President of the Republic, which reinforce women's gains (Personal Status Code, Nationality Code, Criminal Code, Labour Code). Some draft amendments to these legal texts are before the Chamber of Deputies (see Annex II).

3. Women's Participation in Public and Political Life

193. The Tunisian Governement has resolved to use the ways and means required to increase effective participation of women in the decision-making process.

194. Concrete measures were taken to reinforce the representation of women in decision-making at several levels of responsibility. The President of the Republic gave real impetus to that concept by creating in August 1992 a network of women directors whom he assigned to several ministerial cabinets. In conjunction with the above actions, women are encouraged to increase their participation in associations and non-governmental organizations and to broaden the scope of their activities in all areas of public life (see Article 7).

IV. THE ROLE OF THE SEXES AND STEREOTYPES

(Article 5)

"State Parties shall take all appropriate measures:

(a) To modify the social and cultural pattern of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

195. While the gains made by Tunisian women are a cause of pride for many Tunisians, it nevertheless remains a fact that mentalities unwilling to accept the emancipation of women or resistant to the idea of equality between men and women still persist in our society.

196. Faced with a cultural legacy inherited from an era of decadence and obscurantism in which women were submissive and devoid of rights, Tunisia has since its independence adopted a policy aiming to modify mentalities and eliminate stereotypes and prejudices against women. Education and information have been the channels for the Government's efforts in that respect.

197. It should furthermore be stressed that the legal and social measures so far adopted to favour women and the family are conducive to implanting the concept of equality between men and women in minds and mentalities.

THE RESPONSIBILITY OF WOMEN IN SEX DISCRIMINATION

198. Women suffer from the evil effects of discrimination from the very moment of their birth, since in patriarchal societies the birth of a boy is preferred to that of a girl: he will bear the family name and will eventually become the head of the family, even apart from the economic considerations relating to inheritance.

199. Women, unfortunately, are largely responsible for sustaining the very sexual discrimination inflicted on them in everyday life, by unconsciously passing on thought and behaviour patterns to their children, particularly their daughters who are slighted by their own mothers.

200. In order to make equal opportunity a reality, women must begin to inculcate these guiding principles in their own children.

201. Indeed, women are the first educators and their children's first school, they shape the country's future policy makers and legislators.

202. Women must immediately begin to assert the value of little girls within the family in order to provide a sound and unshakable basis for the rights of women.

WOMEN IN SCHOOL PROGRAMMES AND TEXTBOCKS

203. One of the objectives of Act 91-35 of 29 July 1991, which introduced a new reform of the educational system, is to "prepare the young for a way of life which does not tolerate any form of discrimination or segragation based on sex, social origin, race or religion".

204. In the textbooks of young schoolchildren, emphasis is placed on the need to establish conjugal relations based on equality and the mutual agreement to share responsibilities in the home.

205. The portrayal of women confined to the role of housekeeper is no longer a feature of school textbooks where men are often portrayed as participants in the performance of domestic chores. During the first three years of basic education, the pupil is indirectly faced with behaviours and situations imbued with the spirit of equality between the sexes.

206. The theme of equality betwen men and women as a right and an obligation has been the object of much attention on the part of the authors of the new secondary school textbooks and programmes.

207. The determination to portray women in a positive way, to reduce prejudices and to encourage the young to reflect upon the condition of women and change their attitudes towards them, is disseminated through various subjects of the curriculum.

208. Thus, in the courses of Arabic, Civic Education, History, Islamic Education or other foreign languages, stress is laid on fostering positive behaviour and consideration towards women. In various grades of the secondary school, schoolbooks contain texts which describe the important role women have played throughout the country's history and Arab-Islamic history in general. Other schooltexts champion women's emancipation and direct pupils' attention to the status of women and the need to advance it. Authors of Islamic manuals demonstrate that Islam has always treated women, in their roles of mother, sister or daughter, with respect, love and consideration.

HUMAN RIGHTS EDUCATION

209. Students are becoming more aware of the principle of equality between men and women through the study of human rights at the universities.

210. Law schools play an important role in that respect. This is to be expected, to the extent that law schools are the first training ground for the country's future lawmakers, who will later play a decisive role in devising legislation and guaranteeing its application, and who will be responsible for the operation of the whole institutional and legal system.

211. All Tunisian law schools include at one time or another in their curriculum for graduate students a course covering public freedoms and human rights. The School for Legal and Political Studies in Tunis has instituted a special course entitled "Human Rights" within the framework of special studies organized at the level of the fourth year of graduate studies.

212. In addition the same school has instituted a special course at the level of the third cycle in the context of their Diplôme d'Etudes Supérieures (degree in higher education). This may be regarded as the first chair in Human Rights in Tunisia. The professorship benefits not only law students, but also students in their last year of medical, pharmaceutical, and psychiatric studies and students reading different subjects.

213. In order to ground legislators more firmly in the culture and principles of human rights, the Ministry of Justice, by Order of 26 June 1993, has included the study of human rights as a major subject in the framework of training and qualifying for the Institut supérieur de la Magistrature (Higher Magistracy Institute).

WOMEN AND THE MEDIA

1. The Women's Press

214. Four women's magazines exist: "Femme", an organ of the National Women's Union of Tunisia (UNFT), "Info-Crédif", published by the Centre for Research, Documentation and Information on Women (CREDIF), the magazine "SIWAR", privately published, and "La Moitié Battante", a regional magazine.

There are in addition two publications issued by associations: "Le Rif" (the countryside) published by the Association for Rural Development and Revival (ADAR) and a bulletin published by the League of Women Lawyers.

215. Two important women's magazines, "Pluriel" and "Nissa" (Women), halted publication due to financial difficulties.

216. "Faïza", the ancestor of women's publications, was published between 1959 and 1967.

2. Women and Audiovisual Media

217. Tunisia possesses six radio stations and two television channels. The radio stations have the largest number of programmes directed to women and the family. There are at least two daily broadcasts for women which offer to the large radio-listening public an array of programmes, as varied as possible, on

such topics as intra-family relations, children's education, hygiene and health-care, women's work, the burden of tradition, modern life, etc.

218. Other radio broadcasts deal with improving the standard of living of families by informing them of the projects, programmes and services made available to them by the Government, or responding to their queries (orally or in writing) regarding varied legal problems.

219. Television offers a single weekly programme directed to the family. But it has produced over the years special or scientific programmes on the subject of health, housing, education, employment, social security, the gains of women, etc.

220. The most important effect television has on women and families is indirect. It is achieved through films and serials which the public watches assiduously. Models of family behaviour presented as negative or positive influence the personality of the spectator.

221. Indeed, upgrading the image of women in the media is of great importance since women are usually portrayed from a male point of view, as objects of advertisements or sex, or as a source of problems and delinquency.

222. An effective and far-reaching way to change that caricatural image would be to give women a greater voice in and the means to produce more programmes for the media.

3. The Role of Women Journalists

223. The career of journalism is largely male-dominated. However, there has been a breakthrough: estimated at 11 per cent during the last census of Tunisian journalists in 1997, the proportion of women journalists was assessed to have risen to 16 per cent in 1984. In 1991, Tunisia had 600 accredited journalists, 130 of whom were women, or a proportion of 21 per cent.

224. This breakthrough is also visible in the changes in numbers of male and female students of journalism at the Institut de Presse et des Sciences de l'Information de Tunis (I.P.S.I.) (Institute of the Press and Information Sciences of Tunis), a college institution which provides basic training for Tunisian journalists.

225. While in 1973-74 girls represented only 14 per cent of the students, in 1991-92 they represented a significant 63.3 per cent.

226. The great majority of professional journalists are employed in the three major areas of concentration: Radio Television Tunisienne (RTT) (22 per cent); Tunis Afrique Presse (T.A.P.) (24 per cent); the written press (36 per cent).

227. Ten years after their first entry into journalism in large numbers, women journalists appear to offer a positive image of themselves, and both society and their profession have become accustomed to their presence.

28. Women occupy responsible positions in various media at the rate of 20 per ent of the overall journalistic staff. This reflects a significant reakthrough for women with respect to career advancement and marks a clear rogression of their position in the editorial hierarchy.

PROSPECTS

29. The Tunisian legislator based the regulations governing intra-family elations on the concept of mutual respect and assistance between the spouses nd the mobilization of their resourcess in the interest of their children, with view to affirming the principles of equality between men and women and to anning forever discrimination between the sexes.

30. The President of the Republic, in his address on the occasion of Women's ay (13 August 1992) recommended intensification of "the dissemination of nformation on women's rights and the gains they have made so that these and the chievements of women in every area are better known". The President also alled on "the media to assess the rights and advances made by women positively nd to make an effort to correct some preconceived ideas about women".

31. In addition, the following recommendations are made in the "Women and the edia" Chapter of the Eighth Development Plan (1992-1996):

- to promote a women's press, both morally and materially, in the private as well as the public sector, using information as a tool to optimize women's participation in the task of development;

- to allocate, at the level of the Secretariat of State for Information, a special fund for the assistance of a women's press;

- to make greater efforts to provide an image of women that corresponds to the role they play in development;

- to expand radio/television programmes and debates to provide more information about what has been accomplished for the advancement of women;

- to increase the number of women in policy-making posts and in positions of responsibility in the media;

- to provide all the support necessary to encourage women journalists to specialize in the political, economic and technical fields.

V. PROSTITUTION AND TRAFFIC IN WOMEN

(Article 6)

"State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

232. Prostitution is a social phenomenon which has always existed and is therefore a problem that is not easily solved.

233. In order to stem its propagation, legal measures have been adopted by the Tunisian State to fight clandestine prostitution and procuring by enacting regulations which were in effect under the Protectorate and which consist in tolerating prostitution under certain conditions while at the same time subjecting it to rigorous controls.

1. Prohibition of Clandestine Prostitution

234. National legislation prohibits clandestine prostitution. Article 231 of the Criminal Code mandates a sentence of "six months to two years imprisonment and a fine ranging from from 20 to 200 dinars" for "women who solicit passers-by verbally or by gesture, or engage in prostitution, even occasionally".

235. Legislators have provided other sanctions to repress clandestine prostitution by considering any person who has had sexual intercourse with a clandestine prostitute as an accomplice, and therefore subject to the same penalties (Article 231 of the Criminal Code).

2. Regulated Prostitution

236. Tunisia inherited from the colonial administration outdated laws regulating prostitution with limited application for our times.

237. Since independence, the authorities have been careful to suppress its effects.

238. Thus, in the interest of security and public health, as well as human dignity, many brothels have been closed.

239. Since the beginning of the new era, a social policy has been implemented to reeducate and reintegrate these women into society.

3. The Repression of Procuring

240. Existing Tunisian legislation defines as a procurer a person who "shares in the earnings resulting from another's prostitution, in any form whatsoever, or who lives off the earnings of a person habitually engaged in prostitution; a person who lives knowingly with a person habitually engaged in prostitution and who cannot show that he has sufficient resources to support himself" (article 232, paragraphs 2 and 3 of the Criminal Code).

241. Although they are not identified as such, the same laws apply to those who engage in the traffic of women, "hiring, training and supporting, even with that person's consent, anyone, even of age, for the purpose of prostitution, or offering someone for the purpose of prostitution or debauchery" (article 232, paragraph 2 of the Criminal Code).

242. Also considered procurers are those who engage in "soliciting" and "pimping" and who "in any manner whatsoever knowingly assist, protect or support prostitution or soliciting for the purpose of prostitution" (article 232, paragraph 1 of the Criminal Code).

243. Thus, any individual who has "acted as an intermediary, in any capacity, between persons engaging in prostitution or debauchery and any individual who exploits or remunerates another person's prostitution or debauchery" (article 232, paragraph 5 of the Criminal Code) or "who receives moneys from a person habitually engaged in prostitution" (article 232, paragraph 2 of the Criminal Code), is considered a procurer. Pursuant to article 232 of the Criminal Code, such a person is punishable by one to three years of emprisonment and a fine of 500 Dinars.

244. Under article 233, legislators also provided "punishment from three to five years of emprisonment and a fine of 500 to 1000 Dinars, if:

1. the crime committed involved a minor;

2. the crime involved the use of force, the abuse of authority or fraud;

3. the perpetrator carried a weapon, visible or hidden;

4. the perpetrator is the spouse, parent or guardian of the victim or has some authority over her or, if he is her paid servant or if he is a teacher. civil servant or minister of religion, or if he is assisted by one or more persons".

245. Whether clandestine or regulated, prostitution constitutes a degraded existence for women, a factor that the authorities and relevant services must consider if the victims are to be reintegrated into society and their protectors punished.

VI. POLITICS AND PUBLIC LIFE

(Article 7)

"States Parties shall take all appropriate measures to eliminate discriminatin against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organisations and associations concerned with the public and political life of the country."

246. Tunisia signed and ratified the International Convention on the Political Rights of Women by Act 67-41 of 21 November 1967. No reservation was made regarding the political rights enjoyed by women. Indeed, the Constitution, which is the fundamental law governing the organization of power, as well as the applicable legislation, grant women every guarantee of non-discrimination in the exercise of power and therefore in public life.

247. Public and parliamentary life, however, is dominated by men. Indeed, women's participation in policy-making is a recent social phenomenon which emerged in the course of the second half of our century as a result of historical events, social and cultural changes, educational expansion and the adoption of the democratic principles of our era.

SOCIAL AND POLITICAL BACKGROUND

248. The root causes of women's under-representation in public and political life can be found in all societies: the social phenomenon of the recognition, respect and development of women's rights as equal to those of men reflects the advanced state of a society. The emergence of women in public life represents the final stage of a slow process of development, which has as its cornerstone a high level of education, a favourable environment, clear objectives and the determination to achieve them.

249. This describes the sort of society which is being created and which fulfills expressed needs: non-discrimination in all aspects of women's marital, working and public life and respect for their own femininity as an integral part of society.

250. If this vision matches their needs, women will participate in public life by voting in elections and by acting to foster awareness at all levels of public opinion in order to bring about the necessary changes.

251. However, the awakening of women to public and political life is not a simple matter; historically, their activities have generally been restricted to acting when special circumstances in their own country required it: physical or moral resistance against an aggressor, fighting for the liberation of their country or for freedom of expression. Women may then become the instruments of power, which enlists their support, only to relegate them later to their former position - although they will remember the experience of empowerment.

252. The circumstances described above, whether circumstantial or enduring, do not, however, take women through the necessary stages to a situation where they feel the need to intervene in their country's public life; how can a woman who in her daily life at home accepts without question the authority of a man be interested in contesting public policy with him? Furthermore, she may feel fulfilled at home and at work and continue to be influenced by the social and cultural resistance she encounters in her environment.

253. The movement of women towards public life is a matter of personal will and choice and implies a readiness to confront adversaries, particularly where men refuse to stand aside or to yield to women's objectives. Surveys of women's votes have indicated that women do not automatically vote for another woman, whereas under similar circumstances men will vote for a man.

254. Such instances of social behaviour impinging on political choice can only change progressively when such notions as division of labour and exclusive domain die out and are replaced by new ideas of cooperation and complementarity between men and women.

255. The political decision to bring women into public life will provide a powerful incentive for their emergence: a supportive legal framework, stimulative laws, the dual right of electing and being elected, reserved quotas in political parties or professional advancement -- all these are incentives to political action.

256. When women realize that they can affect the results of a democratic election, they become aware of their weight in society. The political will to let women participate in the decision-making process should be rooted in the social, cultural and institutional system and should not merely be a response to a particular trend or situation, for women are and will continue to be half the population.

257. The disparity between de jure and de facto rights is most noticeable at the level of women's participation in policy and decision-making. Since 1959, article 6 of the Tunisian Constitution has guaranteed women "the same rights and obligations" as men and the right to elect and to be elected (article 20 and 21 of the Constitution), and this was reaffirmed in the Electoral Code. Nevertheless, women's participation in the country's public life, as indicated by their representation in parliament and in public decision-making posts remains weak.

EGALITARIAN LAWS

258. The Personal Status Code, which was promulgated on 13 August 1956, contributed to the reaffirmation of the legal personality of Tunisian women and to the transformation of Tunisian civil society in the direction of greater equality in the rights and obligations of the couple.

259. As early as 1957, women have been granted the right to elect and to be elected pursuant to specific legal texts. This was upheld by the Constitution of 1959, which proclaimed the absolute equality of men's and women's votes (article 6 and also articles 20 and 21).

260. That right was established by Act of 39 July 1959 which gave Tunisia its first election code and reaffirmed by Act of 8 April 1969 which repealed the preceding Act and contains the current election code which states that voting is not mandatory, and that men may not vote in place of women; there is no provision for voting by proxy.

261. In the Chamber of Deputies, the progress of female representation has been slow but steady, rising from 1.12 per cent in 1959 to 4.26 per cent in 1989; women did much better in the municipal councils, where their representation rose from 1.29 per cent in 1957 to 14 per cent in 1990.

Progression of the Number of Female Representatives in the Chamber of Deputies

	1959	1964	1969	1974	1979	1981	1986	1986
Women	1	1	4	3	2	7	7	6
Total Deputies	90	90	101	112	121	136	125	141

Progression of the Number of Female Municipal Councillors

1957	1960	1966	1969	1972	1975	1980	1985	1990
10	19	10	80	23	117	129	492	486

262. One of the two vice-presidential posts in the Chamber of Deputies is traditionally held by a woman.

263. A woman assumed the post of president of a municipal council for the first time in 1980 and there were four female municipal presidents.

264. Women have an 11 per cent participation rate in the Economic and Social Council (10 women out of 113 members), with the recent election of a woman to

the post of Vice President of the Council and another to that of President of one out of a total of five existing Commissions.

265. The Supreme Council of Justice has 15 members, of which two are female justices.

266. The number of female magistrates is 236 out of a total of 1017 at all levels of responsibility; this represents 23 per cent of the entire practicing magistrature. The first female magistrate entered upon her duties in 1968.

267. Tunisian women have thus gained access to all sectors of activity including the police corps and the national army:

- 333 women in the national police corps;
- 744 women in the national army corps, of whom 79 are officers.

268. Women have also been entrusted with ministerial duties in the following posts:

- Minister of Public Health : 1983 to 1987
- Minister of the Family and the Promotion of Women : from 1983 to 1986
- Secretary of State for Social Advancement : since 1987
- Secretary of State for Women and the Family : since August 1992

FRAMEWORK STRUCTURES

269. For the first time in the history of independent Tunisia, two women have been assigned to new political posts (February 1991): Counsellor to the President of the Republic, and Permanent Secretary of the Rassemblement Constitutionnel Démocratique (RCD) (Constitutional Democratic Assembly) in charge of Women's Affairs. The objectives of these two structures will be to influence policy decisions and general trends with a view to promoting female candidates within the Government and RCD, and to protecting and expanding the gains made by women.

270. Women have always been present in the Central Committee of RCD, the majority party:

3.11 per cent in 1957;

4.30 per cent in 1985;

5.50 per cent in 1989, or 11 women out of 200 members.

There are only 5.6 per cent women in the federations and only 3 per cent in the sections.

271. The appointment made by the President of the Republic, President of RCD, the party in power, of a woman to the post of Permanent Secretary for Promoting Women's Affairs to the Secretary-General of RCD provides a stimulus for greater political responsibility for women. In order to strengthen its structures, other concrete measures were taken by RCD, such as the appointment of a woman deputy as regional manager of the party, and the establishment of women's commissions at the regional level which will enable its female members to evaluate, formulate and promote plans in all affairs relating to the rights of women (27 female deputy secretaries as compared with a total of 135 male deputy secretaries).

272. Among the preparatory commissions for the coming RCD congress, scheduled for July 1993, a Commission for Women's Affairs was created for the first time in the history of the party's congress to evaluate women's participation in the party since its inception and to make recommendations to the next congress for the promotion of the role of women in political life and their participation as the agent and beneficiary of development and their actual representation in all sectors of political, economic and social activity.

273. RCD has established educational programmes at all levels, local, regional and national, to upgrade the knowledge of civic and political affairs among its members.

274. Women attend these courses in great numbers. They are taught relevant subjects both in theory and practice: history, private and public law, culture, etc., so as to enable them to express themselves in public and to discuss political matters. The creation of a women's affairs structure within RCD has led to an increase in women's participation in the party (over 11 per cent of its members are women).

275. In the international relations of the majority party, women are often represented in the standing delegations, for example in the delegation to the Women's Socialist International (ISF), of which RCD has been a member since 1989. (The Vice President of ISF is a woman.)

276. There are no quotas and no posts are reserved for women in RCD. It is a moral commitment on the part of the party's leaders to include women in the area of policy decisions.

277. The opposition parties have an even lower representation of women: Two women in the Conseil National du Mouvement de démocrates socialistes (MDS) (National Council for the Socialist-Democrat Movement), two women in the Central Committee and one in the political bureau of the Rassemblement socialiste progressiste (RSP) (Progressive Socialist Assembly) and two women in the Central Committee of the Tunisian Communist Party (TCP). The other opposition parties do not have any women at the leadership level.

278. Political choices are defined clearly in the legislation promulgated in the course of the new era, which aims at strengthening the democratic process and laying the foundations for a civil society, as has been done in the National Covenant and the law governing political parties.

279. Women, in their role as partners in the social covenant, took part in the preparation and the signature of the National Covenant (7 November 1988), considered to be a moral and cultural contract binding all political parties and social partners.

280. The Covenant strongly reaffirms all the principles of the Personal Status Code. According to the Covenant, "the principle of equality is no less important than the principle of freedom, that is to say, equality among all citizens, men and women, without discrimination".

281. The law governing political parties under Article 2 stipulates that all parties must honour certain values, of which the very first are human rights and the principles embodied in the Personal Status Code.

282. New impetus for the movement towards equality for women is constantly provided by the authorities. Whether on the occasion of the annual Women's Day or within the institutions of the RCD, or before the parliament, the authorities, represented by the Head of State, continually seek to give impetus to the advancement of the status of women, in such a manner as not to shock mentalities, but to allow progressive reforms to find a place in the most conservative of outlooks.

283. The Government honours the pioneers of the women's movement and has bestowed on a number of activists the insignia of "Commander of the Order of Independence".

284. A mixed commission composed of an equal number of men and women selected for their expertise in human rights in general and women's rights in particular, among whom is an expert who is also a member of your distinguished Committee, has been established to revise legislation that still contains discriminatory provisions and to submit proposals for reforms and amendments where needed.

285. On 13 August 1992, pursuant to the conclusions submitted by that special commission, the Head of State adopted a number of measures that introduced far-reaching improvements in the legal status of women (commentary is to be found in the relevant chapters). The legal provisions are to be set into a social, cultural and political framework of understanding, training and acceptance.

286. The Head of State thus strongly recommended that young magistrates, whose task it is to apply the law, particularly in cases of marital conflict, should be trained in the interpretation of the egalitarian and objective spirit of the texts, in accordance with the international treaties and Conventions ratified by the country.

287. With respect to the acceptance of equal status for women, the media are encouraged to present the most modern, egalitarian and least discriminatory image of women.

288. At the same time, the State Secretariat for Women and the Family, a national mechanism, is responsible for coordinating and synchronizing with the relevant ministries policies and programme reforms in education and literacy,

population and family planning, health and natality, vocational training and equal opportunity in all areas.

289. The importance of the tasks of formulation and promotion carried out by that mechanism becomes obvious when it is seen as representing the future prospects of half the population.

290. Civil service can become a springboard and the prelude to political responsibility; it employs a large part of the active female population. But numbers alone are not enough, equal opportunity is the goal.

291. While it is true that equal rights are recognized in Tunisian law, it remains a fact that women with equal training and careers rarely accede to decision-making positions.

292. Women represent 27.6 per cent of the civil servants:

- 11.43 per cent of the management category;
- 31.9 per cent of supervisors;
- 42.5 per cent of operational staff.

Distribution of Staff by Age Group and Gender (1992)

Age Group	Staff			Per cent		
	Men	Women	TOTAL	Men	Women	TOTAL
20 - 24	17177	7477	24654	5.6	2.4	8.1
25 - 29	45676	21965	67641	14.9	7.2	22.1
30 - 34	49744	17492	58236	13.3	5.7	19.0
35 - 39	43048	15894	58942	14.1	5.2	19.3
40 - 44	30824	11436	42260	10.1	3.7	13.8
45 - 49	19338	5489	24827	6.3	1.8	8.1
50 - 54	13857	2320	16177	4.5	0.8	5.3
55 - 59	8418	1001	9419	2.8	0.3	3.1
60 AND OVER	425	42	467	0.1	0.0	0.2
Undert.	1843	1255	3098	0.6	0.4	1.0
Total	221350	84371	305721	72.4	27.6	100.0

Source: National Statistical Institute: NSI.

293. In order to advance the status of women in decision-making, the Head of State appointed approximately ten women as directors in ministerial departments. This represents a positive action in favour of women; the posts were exclusive of quotas.

294. In article 8, the Tunisian Constitution recognizes the right of women to join labour unions without discrimination. The Labour Code also recognizes that right.

295. The country's only labour union (UGTT), which monopolizes union activity, unfortunately never had an effective integration plan for women in the ranks of union leadership. Despite the fact that the number of unionized women increases with the number of jobs employing women in the various sectors, to this day only one woman has become a member of the Union's executive bureau, and this was during the years of national struggle.

296. Moreover, the principal concerns of the labour union dealt with demands for job security or salary increases; any other demands which would have promoted women's integration by taking into account their specifics requirements (day care centers, working hours, hardship labour) were never a priority objective. However, the Secretary-General of UGTT has recently announced the labour union's intention to allow women to participate in their activities to protect the interests of the working class and in their decision-making.

297. Women's right to work represents a great stride forward for women themselves, their families and society as a whole; it is the key to women's progress and must therefore be protected.

298. There are likewise no women at the leadership level of the employer's association, the Tunisian Union for Industry, Trade and Handicrafts (UTICA).

- As the prelude to positive and non-discriminatory change at UTICA, a woman was finally appointed as an observer at the executive bureau of the Employer's Association.

299. Since June 1990, a women's chamber of commerce made up of heads of enterprises from all sectors has been created, which includes all women engaged in economic activities. The goals of the organization are to stimulate, guide, educate and defend the interests of women's enterprises. It also serves to encourage women to join the association relevant to their particular sector and to watch over their representation nation-wide.

300. UTICA covers most of manufacturing or service businesses in the country. The banking sector, however, is organized under the Professional Banking Association, which has no women in its management organization.

301. Thus, the opportunity exists for women to capture a place for themselves in the economic and financial worlds in conjunction with the promotion of women at work and the enhancement of their role in the country's economy. No discriminatory regulation can prevent this.

302. The emergence of women in economic decision-making posts is closely related to their career development, either in public service at the decision-making echelon as high-level civil servants, or at the managerial level in private economic bodies.

303. On the other hand, women assert themselves in much larger numbers within the framework of community life where they constitute an important presence capable of influencing policy-making entities. This may be explained by the nature of the relationships and the procedures in such associations, in that they impose less constraints on women's activities, have less aggressive relationships and do not compete with men, but are of a more complementary nature, and because their objectives do not clash with men's ambitions.

304. The women's national organizations which were born of the liberation struggle have maintained themselves and have increased their activities by converting their objectives into social, cultural, professional and political guidance in order to make women aware of the value of the reforms and the non-discrimination they afford.

305. UNFT, a forerunner of other associations such as that of democratic women (AFDT) or women in research (AFTURD) was a breeding ground for political activism which gave the country several women who went on to occupy positions of responsibility at the national level.

306. Women are also present in associations involved in the protection of human rights: the Tunisian Human Rights League, the Tunisian Chapter of Amnesty International, the High Commission for Human Rights and Fundamental Freedoms, or other associations of a professional nature such as the Tunisian Journalists Association, or cultural and social, such as Friendship Associations with certain countries.

307. All these positive measures adopted in women's behalf will lead to increased participation on their part in decision-making, generating in turn a measure of balance between the sexes.

308. A rise in the number of women participating in public life will also affect women's perception of themselves; it would seem that such increased participation would in all likelihood awaken their interest in politics and also increase solidarity in that area.

309. In addition, women's massive involvement in politics will result in changes in the quality of public life by encouraging a more equitable division of public responsibility and reinforcing the democratic process. Indeed, it is the responsibility of women to take their own development in hand and to impose themselves in the various political institutions.

VII. WOMEN AS INTERNATIONAL REPRESENTATIVES

(Article 8)

"States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

310. Public service regulations governing the conditions of employment of civil servants do not have any discriminatory provisions against women.

311. Tunisian women may, on equal terms with men, represent their Governments at the international level and participate in the work of international organizations; they may represent their country as diplomats and as experts within the framework of bilateral and multilateral cooperation.

312. Civil servants at the Ministry for Foreign Affairs are on the same footing as other civil servants; in actual fact, however, statistics reveal that the female diplomats serving in foreign affairs are few, particularly at the senior levels.

313. Immediately after independence, the first female diplomat was appointed to the Tunisisan delegation to the United Nations in New York.

314. In 1978, Tunisia appointed its first female ambassador. Since then, three female ambassadors have been appointed, two of whom have completed their missions while the third has been in her post since 1990.

315. Female diplomats represent 9.1 per cent of the total diplomatic staff in foreign affairs:

Women in the Diplomatic Corps

1993			
Levels	Men	Women	Total
Minister Plenipotentiary Hors Classe	19	0	19
Minister Plenipotentiary (M.P.)	60	2	62
Foreign Affairs Counsellor	96	5	101
Secretary for Foreign Affairs	244	35	279
Total	419	42	461

Source: Ministry for Foreign Affairs

316. Moreover, within the framework of bilateral and multilateral cooperation, Tunisian women are sent as experts or international civil servants to some friendly or sister countries and to international organizations within the United Nations system.

317. There are 28 women, or 9 per cent of the total, among the 320 Tunisian experts operating in various international organizations who are members of the Tunisian Technical Cooperation Agency (ATCT).

318. A Tunisian woman is a member of your distinguished Committee for the Elimination of Discrimination against Women (CEDAW).

319. In addition, within the framework of technical cooperation, according to ATCT, 7635 Tunisian cooperative agents are working in friendly and sister countries, 1222 of them women, or 16.1 per cent of the total.

320. There are nevertheless more women in non-governmental organizations and associations dealing with general interest issues and policy questions, who represent the Government in international forums. Women have in fact participated in various internatinal conferences, seminars and workshops dealing with the condition of women and with issues of national and international interest.

321. While there exists no legal discrimination preventing women from representing their Government or participating in the work of international organizations, their participation is actually very low.

322. This matter is linked to the more general issue of women's participation in the country's political and public life, the solution of which is being sought through the launching of initiatives which have been described in the analysis of Article 7 of the Convention.

VIII. NATIONALITY

(Article 9)

"1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

Reservation concerning Article 9 Paragraph 2:

323. The Government of the Republic of Tunisia has reservations regarding the provisions of paragraph 2 of article 9 of the Convention, which should not contravene the provisions of article 6 of the Tunisian Nationality Code.

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HISTORICAL BACKGROUND

324. "Nationality" is considered in Tunisia to be a modern, imported concept, as in all other Islamic countries where the only criterion was whether one belonged or did not belong to the Islamic "Umma", or Islamic community, which defined who was a Muslim and who was not, and therefore an alien.

325. Until the 19th Century, the Tunisian State was a part of the Ottoman Empire and, consequently, represented the Tunisian Islamic community and applied the Islamic Sharia (Islamic Law). Due to that fact, the right to nationality was not independent of religion. Only the Muslim faithful, whatever their origin, were members of the Islamic community represented on Tunisian soil by the Tunisian State. Non-Muslims had the legal status of aliens and did not belong to the Islamic community.

326. The criterion for being Tunisian was thus a purely religious one (jus religioni) and quite different and independent of such modern criteria of attribution or acquisition of nationality as place of birth, descent or marriage.

327. Absolute equality was therefore instituted between men and women with respect to what may be termed the Islamic law of Nationality.

328. Marriage alone could not affect one's belonging or not belonging to Tunisia as a part of the Islamic community and this demonstrates some respect for the legal personality of women, whose nationality was not affected by their marriage

to an alien from their community on the sole condition that he was a Muslim. A non-Muslim woman marrying a Muslim while preserving her religion remains an alien. However, if she convert to Islam, she ceases to be an alien and becomes a Muslim with full rights.

329. In the second half of the 19th Century, Tunisian nationality progressively began to lose its religious character. The basic covenant of 10 September 1857 (Article 8) and the Tunisian Constitution of 1861 (Articles 86, 94, 95) made a distinction between the Tunisian and Muslim qualifications and already made reference to non-Muslim Tunisian subjects.

330. On 19 June 1914, a Beylic Decree introduced a blood criterion (jus sanquini) for the attribution of Tunisian nationality and granted the principal and almost exclusive role to the father by stating that any individual born in Tunisia or abroad of a Tunisian father, or if of father unknown, of a Tunisian mother, is considered Tunisian. Then, by Beylic decree, on 8 November 1921, the criterion of territory was introduced (jus soli), whereby Tunisian nationality was conferred on any person born on Tunisian soil if at least one of the parents was born there too.

331. By comparing the two decrees of 1914 and 1921, it may be said that male privilege prevailed in jus sanquini, and equality between the sexes in jus soli. It should be pointed out, however, that the attribution of Tunisian nationality (jus soli) was basically a formality since by French decree, also of 8 November 1921, the Tunisian jus soli was bypassed in favour of French nationality, which provided that if one of the parents are under the jurisdiction of the French tribunals in Tunisia, the child shall be French, knowing that such was the case for most persons affected by the Tunisian Beylic decree of 8 November 1921. As a result, jus sanquini remained the almost exclusive criterion for the attribution of Tunisian nationality and women played only a very minor, even exceptional, role in it.

332. This situation, unfavourable to women, continued to exist until the promulgation of the Tunisian Nationality Code of 26 February 1956, further amended after Tunisia's independence by Decree-Law of 28 February 1963, which recast the Tunisian Nationality Code, and ratified by Act of 22 April 1963.

333. Both modern codes were promulgated in a social and political context which favoured the emancipation of Tunisian women. They contain progressive provisions in that they improve women's legal status but do not achieve absolute equal rights between men and women with respect to nationality. This is the conclusion to be drawn from a comparison between Tunisian positive law and the provisions contained in Article 9 of the present United Nations Convention.

ACQUISITION, CHANGE OR RETENTION OF TUNISIAN NATIONALITY

334. The Tunisian Nationality Code establishes the rules for the acquisition, change or retention of Tunisian nationality.

1. Acquisition of Tunisian Nationality

335. Tunisian nationality is obtained either by birth or by acquisition:

- it is attributed by birth as a result of direct descent (article 6 of the Tunisian Nationality Code ("TNC")), or by being born in Tunisia (articles 7 to 10 of TNC).

- it is acquired by benefit of law (articles 12 to 18 of TNC) or through naturalization (articles 19 to 23 of TNC).

336. In referring to nationality by birth, the Tunisian legislator uses the term "child" without making a gender distinction. Likewise, in referring to the acquisition of Tunisian nationality, the term "child" is used (article 12 of TNC) and "adopted minor alien" (article 18 of TNC).

337. As may be seen from the various provisions of TNC, the legislator does not make any distinction nor does he discriminate against individuals of the female gender with respect to Tunisian nationality by birth.

338. A distinction is made, however, with respect to the acquisition of Tunisian nationality by an alien husband married to a Tunisian woman on the one hand, and of an alien woman married to a Tunisian man, on the other.

(a) Acquisition of Tunisian Nationality by an alien married to a Tunisian woman

339. The alien husband of a Tunisian woman can only acquire Tunisian nationality through naturalization. The probation requirement, however, may be waived if the household resides in Tunisia at the time the naturalization application is submitted (article 21, paragraph 2 of TNC).

(b) Acquisition of Tunisian nationality by an alien married to a Tunisian man

340. The alien wife of a Tunisian man who, by virtue of her national law retains her own nationality when marrying an alien, may acquire Tunisian nationality by benefit of law by submitting an application in due form and if the household has resided in Tunisia for at least two years. Acquisition will be temporary during another two years during which period the President of the Republic may oppose it by decree (articles 14, 15, 39, and 41 of TNC).

2. Change of Tunisian Nationality

341. The TNC provides that such a change may occur through loss of Tunisian nationality (articles 30, 31, and 32 of TNC) or through deprivation (articles 30, 34, and 35 of TNC) or through withdrawal (articles 36, 37, and 38 of TNC).

(a) Loss of Tunisian nationality

342. May only be effected by decree. This concerns the case of a Tunisian (man or woman) who voluntarily chooses another nationality. As a result the Tunisian concerned frees himself from his allegiance to Tunisia on the date of the decree

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(article 30 of TNC). This provision, which denies Tunisians the right to reject their nationality appears to be general and applies to men as well as women.

343. Nevertheless, article 31 of TNC seems to favour men against women in that the loss of Tunisian nationality may be extended by decree to apply to the wife of a Tunisian who has voluntarily acquired another nationality, while it cannot be extended to the husband of a Tunisian woman who loses her nationality.

344. Any Tunisian who is employed in the public service of a foreign State or in the armed forces of another country and retains his nationality in spite of the Tunisian Government's injunction to relinquish it and after the expiration of a one-month delay, will lose his nationality pursuant to article 32 of TNC.

345. The aforesaid article 32, as amended by Act No. 84-81 of 30 November 1984, does not appear to involve gender discrimination if both parties are Tunisians.

(b) Deprivation of Tunisian nationality

346. Article 33 of TNC, which lists the reasons leading to deprivation of citizenship and article 34 of TNC, which covers time-limits, make no particular gender distinctions. General terms are used, such as "individual" and "person concerned".

347. Article 35 of TNC, however, provides that "deprivation may be extended by decree to the wife and unmarried minor children of the person concerned if they have kept another foreign nationality. It may not be extended to the minor children, however, unless it is also extended to the wife".

348. Article 35 of TNC, like the aforementioned article 31 of TNC, appears to favour men against women, since it extends deprivation to include the wife of a deprived Tunisian but does not extend it to the husband of a Tunisian woman deprived of her citizenship.

(c) Withdrawal of Tunisian nationality

349. Articles 36, 37, and 38 of TNC do not discriminate between men and women.

3. Retention of Tunisian Nationality

350. The Tunisian legislator has inherited from Islamic Law its traditional respect for the legal personality of the married woman. Therefore, the Tunisian legislator has never imposed Tunisian nationality on an alien woman married to a Tunisian man and likewise has never withdrawn the nationality of a Tunisian woman married to an alien.

351. Every Tunisian woman retains her nationality, for the same reasons that her male counterpart does, without any discrimination whatsoever. Thus, except for rare cases of discrimination which are often formalities without practical effect, women may enjoy the privileges guaranteed them by the TNC without social, cultural or economic impediments.

THE NATIONALITY OF WOMEN WHO MARRY ALIENS OR WHOSE HUSBANDS CHANGE NATIONALITY

352. The issue of nationality for a woman who marries an alien, or whose husband changes nationality, requires examination.

1. The Nationality of a Tunisian Woman who Marries an Alien

353. As mentioned above, the Tunisian legislator does not consider a mixed marriage entered into by a Tunisian woman to be a cause for loss, deprivation or withdrawal of nationality. Likewise, Tunisian nationality is not imposed on an alien woman who marries a Tunisian man.

354. However, it has been necessary to make some adjustment to that general principle, either to accommodate some humanitarian requirements, or for the sake of family unity. In fact, in order to prevent statelessness, article 13 of TNC provides that: "An alien woman who marries a Tunisian acquires Tunisian nationality at the time of marriage, if, by virtue of the law of her country, she would lose her nationality of origin upon marrying an alien."

355. However, the requirement of preserving family unity is not a legal requirement, as is the case for the prevention of statelessness, but can only be remedied by the will of the spouses of the mixed Tunisian-alien marriage. However, two different, hypothetical cases are offered:

(a) Where the Tunisian-alien couple wishes to be united in the framework of Tunisian nationality

356. A distinction is made according to whether the Tunisian spouse of the mixed couple is male or female.

If the husband is Tunisian

357. The alien woman who, by virtue of the law of her country retains her nationality of origin although married to an alien, may acquire Tunisian nationality by benefit of law by making a formal statement, provided that the mixed couple has resided in Tunisia for at least two years. The acquisition of Tunisian nationality will then be temporary for another two years during which period the President of the Republic may oppose it by decree (articles 14, 15, 15, 39 of TNC).

If the wife is Tunisian

358. An alien husband may acquire Tunisian nationality through naturalization. The probationary period may be waived, however, if the couple reside in Tunisia at the time the application is submitted (article 21, Paragraph 2, of TNC).

(b) Where the Tunisian-alien couple wishes to be united within the framework of an alien nationality

359. The Tunisian party of the mixed couple may not relinquish his/her nationality when marrying an alien. However, there is nothing to prevent the Tunisian party from applying for and acquiring such alien nationality at his/her own risk. Indeed, that party may lose his/her nationality by decree and may therefore be released from allegiance to Tunisia (article 30 of TNC) and thus be required to leave Tunisian soil. It should be noted that the loss of Tunisian nationality is merely an option at the discretion of the President of the Republic that has in fact almost never been used, allowing a rather large number of Tunisians to enjoy "double nationality".

360. However, it can be seen that the Tunisian legislator goes to great lengths to ensure that the unity of a mixed family is facilitated only if it favours Tunisian nationality, and this involves no gender discrimination.

2. The Nationality of a Wife Whose Husband Changes Nationality

361. As already mentioned, article 31 of TNC entails discrimination against Tunisian women since the loss of Tunisian nationality may extend by decree to the wife of a Tunisian who voluntarily acquires a foreign nationality, while it may not extend to the husband of a Tunisian woman who loses her Tunisian nationality.

362. A similar form of discrimination is entailed under article 35 of TNC, which allows deprivation to extend to the wife of a deprived Tunisian, if she has kept another foreign nationality, while there is no provision to extend the Tunisian wife's deprivation to her husband.

DETERMINATION OF TUNISIAN NATIONALITY

363. The TNC attributes Tunisian nationality by birth through direct descent on the one hand, and through birth on Tunisian soil on the other.

1. Attribution of Tunisian Nationality by Birth

364. Article 6 of TNC provides that:

"The following are considered Tunisian:

1. a child born of a Tunisian father;

2. a child born of a Tunisian mother and of a father unknown or without nationality, or whose nationality is unknown;

3. a child born in Tunisia of a Tunisian mother and an alien father."

365. The provisions of that article demonstrate that the legislator gives much importance to the mother in granting nationality to children. However, he does not grant her equal footing with the father. In fact, the father gives his Tunisian nationality automatically and generally to his child regardless of the mother's nationality and whether the child is born and raised in Tunisia or abroad. However, the Tunisian mother gives her nationality to her child only in two restrictive cases set forth in article 6 of TNC:

- When the father of the child is unknown or without nationality, or of unknown nationality, regardless of the child's place of birth;

- When the father is alien, but only if the child is born in Tunisia.

366. There is a serious gap in the aforementioned article 6 as regards a Tunisian woman who has a child of a known father whose foreign nationality is known, but whose child is born abroad.

367. As article 6 of TNC now stands, such a child may not obtain Tunisian nationality although his mother is Tunisian and although he is being raised in a Tunisian environment where his parents have elected to live. Here is a factual example: Pursuant to article 6 of TNC, Badr (aged 17) and Nada (aged 14), two girls born in Paris of a Tunisian mother and a Palestinian father, were denied Tunisian nationality although they had resided and gone to school in Tunisia from an early age.

368. Tunisian positive law currently only affords them the possibility of applying for Tunisian nationality by benefit of law and under article 12 of TNC which provides that: "The child born abroad of a Tunisian mother and an alien father shall become Tunisian, on the condition of claiming such nationality by a declaration in the form provided under article 39 of the present Code and within a period of one year before coming of age. The person concerned acquires Tunisian nationality on the date of registration of the declaration, subject to the provisions of articles 15 and 41 of this Code."

369. It is clear that the position of Tunisian law is flawed in this case by the inequality between a Tunisian father and a Tunisian mother. The Tunisian patriarchal concept of the family may account for such inequality (article 23 of the Personal Status Code), as it may also for the paternal concept of direct descent (article 68 of the Personal Status Code).

2. <u>The Attribution of Tunisian Nationality through birth in Tunisia</u>

370. The Tunisian legislator has dedicated four articles of TNC to the attribution of nationality as a result of place of birth. The articles provide that: "Article 7. The child born in Tunisia whose father and grandfather were themselves born in Tunisia is considered Tunisian. The person concerned may, except if born after the entry into force of this Code, repudiate Tunisian nationality during the year preceding his/her coming of age; he is released from his allegiance to Tunisia on the date on which he signs the declaration of repudiation in accordance with article 39 of this Code. A Tunisian minor who enters into a commitment with the army or a minor who without objecting on the

grounds of his alien status participates in recruiting operations, loses his repudiation option. The provisions of this article do not apply to children of officials of the diplomatic corps or of the consular corps."

371. Article 8: "A child born in Tunisia of stateless parents residing in Tunisia for at least five years is considered Tunisian."

372. Article 9: "A child born in Tunisia of unknown parents is considered Tunisian." However he will be considered never to have been Tunisian if in the course of his minority, his direct descent is established to be that of an alien and if, in conformity with the national laws of that alien's country, he obtains its nationality.

373. Article 10: "A newborn infant found in Tunisia shall be presumed to have been born in Tunisia, unless proven otherwise."

374. The aforementioned article 7 of TNC confirms the paternal concept of descent and the patriarchal concept of the Tunisian family, and grants men primacy over women.

375. A more egalitarian concept will be reinforced by virtue of a draft amendment to article 12 of TNC, which will enable a Tunisian woman, mother of a child born abroad of an alien father, to transmit her own Tunisian nationality before the child reaches the age of 19 and with the father's authorization, endorsed by a joint application signed and submitted by her and her foreign husband to the relevant Tunisian authorities (See Annex II).

376. In articles 8 and 9 of TNC, the legislator refers to "parents" and appears to treat men and women on equal terms.

INCLUSION OF CHILDREN IN THEIR PARENTS' PASSPORTS

377. With respect to minor children and the possibility of their inclusion in their mother's passport as well as the consent of their father to leave the country with their mother, a distinction must be made in the case where the father is alive and the case where the father is deceased.

1. If the Father is Alive

378. If the father of minor children is alive, he is the head of the household (article 23 of the Personal Status Code) and the legal guardian of the children (article 154 of PSC).

379. By virtue of the present legislation, minor children may in principle only be included in their father's passport until they are of legal age. Children may as a matter of exception be included in their mother's passport and leave the country with her if the father has granted his authorization for that purpose.

380. In case of divorce, in accordance with present legislation and even if the court has given the custody of the children to the mother, she does not become the legal guardian and may not have the children included in her passport and travel abroad with them. The father's authorization remains mandatory. If she should manage to take the children out of the country without the authorization, she may be deprived of custody in accordance with article 61 of the PSC, which stipulates that: "If the person who has the custody of the children should change residence and move to such a distance that the guardian is unable to fulfill his obligations to his ward, that person shall be deprived of his/her right". In addition, the mother may be prosecuted for elopement or refusal to produce the child in her custody, pursuant to Act of 24 May 1962.

381. The draft reform pursuant to the presidential address of 13 August 1992 will give the mother the same rights relating to parental authority as the father, particularly with regard to raising and educating the children, their inheritance and bank accounts, and the formalities required for travelling.

382. The family magistrate may also grant the mother who has the custody of her children the rest of the prerogatives of guardianship if the father, as principal legal guardian, misuses these prerogatives or is negligent. The magistrate will make a decision based on the fundamental criterion of the child's best interest.

2. If the Father is Deceased

383. Under the terms of article 154 of the Personal Status Code, if the father is deceased or incapacitated, the mother becomes the legal guardian of minor children. In such a case, she is permitted to have the children included in her passport and may leave the country with them.

WOMEN AND THE FREEDOM TO TRAVEL

384. In Tunisian law, married women enjoy complete legal capacity independently of their husbands. They may, among other things, obtain a passport and travel abroad without the husband's authorization, on the condition that they do not misuse their conjugal and family rights (article 23 of PSC).

385. Should such a misuse be proven, the court may pronounce a divorce at the request of the husband, on grounds of injury (article 31 (2) of PSC).

IX. EDUCATION

(Article 10)

"1. State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

386. Among Tunisia's concerns, education has always received particular attention, so much so that one quarter of the State budget has regularly been allocated to it.

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387. Today, after 37 years of independence, the need to endow the country with an educational system equal to its spirit, its cultural identity and the ideals of modern times is, more than ever, a fundamental choice by Tunisia, where such important principles as democratization, free education and equal opportunity for all will continue to be upheld.

388. Indeed, the educational system has undergone a remarkable development with respect to school enrolment, infrastructure, and training of the managerial staff required for economic and social development.

389. It has now become necessary to revise the methods, the structure -- in effect the whole educational system -- in order to adapt it to the country's new realities as well as to scientific and technological progress. An overall reform of the entire educational and training system is under consideration within that context.

PRESCHOOL EDUCATION

390. Preschool institutions, which were all French and very few in number before 1956, multiplied during the first years of independence with the help of national organizations and institutions such as the National Union of Tunisian Women and the municipalities. Although their number still remains insufficient, the Ministry for Youth and Children has given new impetus to these institutions, both qualitatively and quantitatively.

391. Preschool education is conducted in 83 day-care centres and 692 kindergartens for children aged 0-3 and 3-6, respectively. Their task is to train children of both sexes and involve them in activities which complement the education they receive at home and to foster the full and harmonious blossoming of all their faculties.

392. The number of kindergartens and the number of children attending them have increased significantly: in 1966, there were 112 kindergartens attended by 9,639 children, and in 1991, there were 692 kindergartens attended by 45,200 children, and 48 preparatory schools attached to some primary schools.

393. A reorganization of that sector is also under way. In particular, plans are being considered to transfer the administration and pedagogical supervision of the kindergartens to the Ministry of Education and Sciences in order to streamline the programmes and to adapt them better to the curriculum of the basic schools.

DESCRIPTION OF THE EDUCATIONAL SYSTEM

394. There are three levels of education in the Tunisian educational system:

Basic education and primary education

Secondary education

Higher education.

1. Basic Education and Primary Education

(a) Basic Education

395. As the cornerstone of an overall reform in the educational and training system, the basic school, on which consultations have been held, will make it possible to overcome the early drop-out phenomenon by guaranteeing that the young will at least have the required basic level of instruction to enable them to pursue further studies or training, whether general, technical or vocational, thereby increasing their employment opportunities. The basic school offers nine years of training and is now entering into its fourth year of operation. Basic instruction is free and compulsory from the ages of six to sixteen.

396. The school years are divided into two complementary levels:

A first level of six years, during which the pupils acquire the instruments of knowledge, the basic tools of reading, writing and counting. The objective is to attend to the development of their minds, their intelligence, their artistic sense and their physical and manual potential, as well as to their religious and civic education. This is taught in primary schools.

A second level of three years, which aims at consolidating the general knowledge of the students, reinforcing their intellectual capacity and developing practical skills. This is taught in preparatory schools.

397. All the subjects covered in these two levels, whether humanities, science or technical courses, are taught in Arabic.

398. Upon completing basic instruction, "a diploma for the completion of basic instruction studies" is given, enabling the recipients to accede to secondary education.

(b) Primary Education

399. Beginning with the school year of 1994-1995, the former primary school curriculum, which is gradually being replaced by basic instruction, will no longer end with competitive entrance examinations to the secondary level, but the transition will take place naturally, based on the results obtained at the end of each school year.

400. Because its primary mission is to instill learning, basic instruction and the primary schools provide a general education which takes into account the different aspects of a child's personality. Its aim is to establish a link between thinking and acting, the two fundamental parameters of human activity. Therefore, basic instruction and primary education strive to endow the child

with basic knowledge, developing its faculties and forming its mind, but it is also an education consistent with the national culture and one that provides an introduction to manual and technical skills.

(c) Principal Statistical Data relating to Basic Instruction and Primary Education

401. The rate of enrolment in basic instruction and primary education schools attained 87.8 per cent of all children aged 6-13, as compared to 87.5 per cent for the 1991-1992 school year.

402. The rate of attendance of female students for the two years cited reached 46.0 and 45.8 per cent, respectively. For 1992/1993, the rate was 46.4 per cent.

403. The situation of basic instruction and primary education for the past four school years is as follows:

	1989/1990	1990/1991	1991/1992	1992/1993
Schools	3774	3941	3940	4044
Students	1369476	1398119	1417803	1432112
Classes/students	44911	45790	46811	46871
Teachers	46077	50280	53652	54740

Source: Ministry of Education and Sciences (M.E.S.).

404. The proportion of girls reached 53.5 per cent in the communal school areas, and 31.6 per cent in the non-communal school areas. The student/teacher ratio was 26.2 per cent for 1992/1993 as compared to 26.4 per cent and 27.8 per cent, respectively, for 1991/92 and 1990/91.

2. Secondary Education

(a) The Secondary Education System

405. Access to secondary education is obtained through a system of competitive entrance examinations conducted at the national level.

406. Since the 1991-1992 school year, secondary education has been divided into a first 3-year phase and a second 4-year phase, with a common 2-year core period, at the completion of which the students admitted into the sixth year are shunted towards a second, 2-year general educational term divided into four sections: Literature, Mathematics, Experimental Sciences, Technology, Economy and Management; all these end with the baccalaureate.

407. However, at the end of the 1992-1993 school year, the fifth year common-core students will be shunted towards one of the five following sections: Literature, Mathematics, Experimental Sciences, Technology, Economy and Management, all of which lead to the baccalaureate.

408. The new system was implemented at the beginning of the new 1991-1992 school year. The option selection which took place at the conclusion of the third year has now been carried over to the end of the second common core year.

409. Thus, the old system is still in use from the fifth year on. It consists of:

- A second general education phase divided into three sections: Literature, math/science and math/technical, all of which lead to the baccalaureate at the end of the seventh year.

- A short technical education course divided into two sections: technical/industrial and technical/economics, which leads to a Technical Diploma at the end of the sixth year.

410. The best students from the short technical education section are admitted to pursue their studies by attending a special seventh year to prepare them for the appropriate higher educational category.

411. Since the end of the 1990-1991 school year, students have no longer been oriented towards these two short technical courses.

412. In 1990-1991, vocational education was only taught in the last, that is to say, the third year. This level of training was removed from the programme of the Ministry of Education and Sciences and is now under the Ministry of Vocational Training and Employment.

413. The task of secondary education is to prepare the young for specializations, to develop their skills and abilities and to equip them so that they may deal with a world in which knowledge is constantly evolving; and also to foster their interest in the pursuit of scholarship, self-education and creativity.

414. Secondary education is free. In addition, some students are eligible for Government scholarships which provide them with free room and board.

415. Pursuant to the recommendations contained in the Seventh Economic and Social Development Plan (1987-1991), the secondary education system underwent a change. The math-science section was subdivided into two major subjects: mathematics and experimental sciences. These changes were introduced to create a better balance between the scientific and literary sections and to give students a better preparation for higher education.

(b) Principal Statistical Data relating to Secondary Education

416. The rate of female enrolment in secondary schools was 46.4 per cent in 1990-1991 and 47.2 per cent in 1992-1993. The number of secondary school

establishments totalled 599 in 1991-1992 or an increase of 14 institutions over the preceding year; there are 625 establishments in 1992/1993, without including the technical schools created after 1992. Six of these are pilot-lycées established in the areas of Ariana and Kef and in Gafsa, Sousse, Sfax and Tunis.

417. Pilot lycées are secondary schools where elite students who have distinguished themselves by their outstanding talents are given the opportunity to pursue their studies under conditions that enable them to develop their abilities and attain the highest levels in the areas of science, technology, literature, the arts, physical education and sports, and to open up to them the very best academic opportunities.

418. At the beginning of the 1992-1993 school year, 980 of the best students who had succeeded in the competitive entrance examination to the first year of the secondary level were selected to pursue their studies at pilot lycées. Secondary school enrolment for 1992-1993 was 16,589.

3. Higher Education

(a) The Higher Education System

419. The higher education system is governed by Act No. 89-70 of 28 July 1989.

420. The purpose of higher education and scientific research is to contribute to the country's development by providing the necessary complement to the production sector and to economic, social and cultural life.

421. Higher education comprises all categories of post-secondary studies. It is linked to scientific research in such a way that each participates in the other's development.

422. Higher education is open to all holders of the baccalaureate or of a diploma considered to be its equivalent. There are six universities in Tunisia:

- University of Letters, Arts and the Humanities: Tunis I;
- University of Science, Technical Studies and Medicine: Tunis II;
- University of the Economic, Legal and Management Sciences: Tunis III;
- Ezzituna University;
- Central University (Sousse);
- Southern University (Sfax);

(c) Principal Statistical Data relating to Higher Education

423. During the years 1991-1992, there were 82 institutions of higher learning, 26 of which were under the jurisdiction of the Joint Supervision Department.

Out of a total number of 76,097 students, 30,832, or 40.5 per cent, were female students.

The following table shows the distribution of students by university and by sector:

Sector	Ezzituna U.	Tunis I U.	Tunis II U.	Tunis III U.	Central U.	Southern U.	Total
Fundamental Sciences	-	-	7292	-	1815	1352	10459
Letters, Arts, Humanities, Islamic Studies	2031	15485	564	-	4848	2827	25815
Medicine/Biology	-	-	3143	-	3858	1395	8396
Law, Economics, Management	-	-	-	15257	2643	4273	22173
Technical studies	-	-	4556	-	846	2110	7512
Agronomy and Food Production	-	-	1500	-	242	-	1742
Total	2031	15485	17055	15257	14252	12017	76097

Source: M.E.S.

424. The following is the distribution of students by category of study: 68,546 students are enrolled in long or medium term studies and 7,551 in short-term studies, or 9.9 per cent of the total.

The following table shows the number of diplomas granted by universities at the end of the academic year 1990-1991:

	Total Diplomas	Diplomas delivered to Women
EZZITUNA UNIVERSITY		
* Degree:		
Islamic Studies	222	81
TUNIS I UNIVERSITY		
* Degree:		
Letters	231	120
Languages	106	77
Humanities	137	58
Journalism and Communications	29	20
Arts and Culture	41	16
Information	24	17
* Higher Technology Degree		
Information	89	75
Teacher	66	39
Sub-total	723	422
TUNIS II UNIVERSITY		
* Degree:		
Mathematical Science, Physics and Natural Sciences	325	113
Plastic Arts	58	39
Postal Service and Telecommunications (Inspector)	12	4
*Natl Teacher Training Institute, Tech. Ed.	176	11
*Natl Teacher Training Institute, Higher Ed. (Bizerte)	67	35
*Natl Teacher Training Institute, Physics	74	20
*Specialized Diploma:		
Piloting	5	
Architecture	32	2
* Engineer-Technician Degree:		
Computer Science	41	4
Technical Sciences (National School of Engineers of Tunis (ENIT)	181	22
Agronomy and Food Production	159	22
Postal Service and Telecommunications	13	
* Principal Engineer Degree:		
Computer Science	43	11
Geology	3	

	Total Diplomas	Diplomas delivered to Women
Technical Sciences (ENIT)	37	8
Agronony	29	7
Postal Service and Telecommunications	6	
* Medical Studies Degree:		
General medicine	254	104
Veterinary Medicine	32	8
* Master's Degree in Physical Education	15	
* Higher Technical Degree:		
Technical Sciences (ENIT and Nabeul Inst.)	175	27
Agronomy	101	14
Postal Service and Telecommunications	40	6
Paramedical	331	243
Air Traffic (Civil Aviation)	17	5
Sub-total	2226	705
TUNIS III UNIVERSITY		
* Master's Degree:		
Economic Science	265	90
Applied Economics and Statistics		
Management	225	94
Law	251	110
* Specialisation Degree:		
Law (Diploma - Spec. Advanced Studies)	29	4
Business Administration (H.E.C.)	115	53
Labour Management	26	10
* Higher Technical Degree:		
Management	453	225
Tourism and Hotel Management	130	28
Social Worker and Social Security Assistant	90	60
Sub-total	1584	674

	Total Diplomas	Diplomas delivered to Women
CENTRAL UNIVERSITY (SOUSSE)		
* Master's Degree:		
Mathematical, Physical and Natural Sciences	101	34
Literature	75	27
Humanities	13	3
Law	62	15
* Degree from Ecole Normale Sup. (SOUSSE)	78	39
* Horticulture	34	8
* Principal Engineer Degree:		
Technical Sciences	22	1
* Medical Studies Degree:		
General Medicine	154	65
Pharmacy	69	31
Dental Surgeon	66	38
* Higher Technical Degree:		
Water Treatment	23	14
Paramedical	160	112
Textile	24	4
Horticulture	20	5
Mechanic Officer (Merchant Marine)	28	
Sub-total	929	396
SOUTHERN UNIVERSITY (SFAX)		
* Master's Degree		
Literature	25	6
Humanities	4	1
Mathematical, Physical and Natural Sciences	63	27
Economic Sciences and Management	343	128
* Technical Engineer Degree:		
Technical sciences	106	22

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	Total Diplomas	Diplomas delivered to Women
* Principal Engineer Degree:		
Technical sciences	43	7
* Medical Studies Degree		
General Medicine	114	37
* Higher Technical Degree		
Economic Sciences and Management	321	150
Chemical Analysis and Food Production	19	8
Technical Sciences	47	2
Mining Engineer	47	2
Paramedical	75	63
* Master's Degree in Physical Education	24	14
Sub-total	1231	467
GRAND TOTAL	**6915**	**2745**

Source: M.E.S.

425. Number of full-time academic teaching staff for 1991-1992:

	TUNISIANS					
	Prof. + Sr.Lecturer	Asst + Sr. Asst.	Univ. Hosp.	Other Levels	Foreigners	Total
M. E. S.	450	2016	707	727	351	4251
Joint Supervision Department	70	232	17	361	10	690
Total	520	2248	724	1088	361	4941

426. In addition, scholarships and student loans may be granted according to students' needs and the funds available to the Ministry for Education and Sciences. Likewise, students may reside in university towns and dormitories have their meals at university restaurants. For the academic year 1991-1992:

- The number of scholarships granted to Tunisian students studying abroad totalled 32,522;

- The number of loans to university students amounted to 3,793;

- The number of university towns and dormitories scattered over the different regions of the country were 28 and 39, respectively, accommodating 28,841 students;

- There are 35 university restaurants serving meals to 52,347 students.

LEGAL PROVISIONS

427. Tunisia, aware of the importance of the place of women in an advanced, healthy and productive society, has since its independence nurtured an abiding concern for the status of women and has not ceased to work for their emancipation and improved status in all areas.

428. Clear choices have been the hallmark of the various economic and social plans with respect to the objectives to be met in order to improve the schooling and education of Tunisian women.

429. Within that framework, tremendous efforts have been made on the part of the Education Department to increase the enrolment of girls in schools, to introduce equality between the sexes, to give women equal access to the various career training opportunities, to improve educational results and to stem waste, particularly as regards the drop-out rate of girls.

430. Women's emancipation is further reinforced through the new educational reform (Act 91-65 of 29 July 1991) pursuant to which equality between the sexes became one of the guiding principles of educational activities.

431. That principle, together with women's right to education, is guaranteed in particular under articles 1, 7 and 32, which provide that:

> "The objective of the educational system is to prepare youth for a life devoid of any form of discrimination or segregation based on sex, social origin, race or region."

Article 7:

> "Basic instruction is compulsory from age 6 to age 16 for all pupils who are able to pursue regular studies in accordance with the regulations in force."

Article 32:

> "Any guardian who abstains from enrolling the child under his care in one of the basic instruction units, or removes the child before the age of 16 although the child is able to pursue his/her studies, shall be liable to a fine".

OVERALL LEVEL OF EDUCATION

432. The following table shows the changes which occurred in the distribution of the 10-year and older population by levels of education and by sex, as compared to 1984:

10-Year and Older Population Structure, by Levels of Education (in per cent)

	1989			1984
LEVEL	Male	Female	Total	Total
None	26.4	46.3	37.2	46.4
Primary	45.2	35.0	40.1	34.4
Secondary	25.0	15.3	20.2	17.1
Higher	3.4	1.4	2.5	2.1
Total	100.0	100.0	100.0	100.0

Source: 1989 Population/Employment Survey

433. The primary level population which in 1984 represented 34.4 per cent of the 10-year and older population, increased to 40.1 per cent in 1989. For the population having reached the secondary or higher levels, the respective rates went from 17.1 per cent to 20.2 per cent and from 2.1 per cent to 2.5 per cent for the same period.

434. An interesting comparison can also be made of the 1984 and 1989 structures of the 30-44 years male population by level of education and for the 15-49 years female population, comparing the 1975 data with those of 1989.

Male population structure (30 to 40) by age and level of education (1984-1989) (in per cent)

Level of Education	Age 30-34		Age 35-39		Age 40-44	
	1984	1989	1984	1989	1984	1989
None	27.7	14.2	43.5	23.7	60.0	38.4
Primary	32.5-	49.1	27.2	37.1	22.1	31.8
Secondary	32.4	29.5	23.3	32.0	13.9	23.3
Higher	7.4	7.2	6.0	7.3	4.0	6.6
Total	100.0	100.0	100.0	100.0	100.00	100.00

Source: 1989 Population/EmploymentSurvey

Female population structure (15 to 49) by age and level of education (1975-1989) (in per cent)

Age	None		Primary		Secondary		Higher		Total	
	1975	1989	1975	1989	1975	1989	1975	1989	1975	1989
15-19	41.1	22.4	45.2	40.1	13.7	37.3	-	0.2	100	100
20-24	55.9	33.9	27.2	35.7	16.0	27.5	0.9	2.9	100	100
25-29	70.9	35.7	17.2	42.5	10.3	17.9	1.6	3.9	100	100
30-34	84.5	45.1	9.3	36.6	5.4	15.5	0.8	2.8	100	100
35-39	93.3	59.6	4.2	24.7	2.1	13.6	0.4	2.1	100	100
40-44	96.4	73.7	2.5	16.1	1.0	8.6	0.1	1.6	100	100
45-49	97.2	87.2	2.0	8.1	0.7	4.0	0.1	0.7	100	100
TOTAL	69.9	43.5	20.7	33.0	8.9	21.4	0.6	2.1	100	100

Source: 1989 Population/EmploymentSurvey

ILLITERACY

435. In the course of the last twenty years, the rate of illiteracy declined markedly, going from 67.9 per cent in 1966 to 46.2 per cent in 1984; it is currently at 37.2 per cent.

436. Calculated for the 10-year and older population, estimated at 5,872,900, the illiteracy rate was assessed at 37.2 per cent according to the 1989 Population/Employment Survey; for the female population the rate was 26.4 per cent.

Illiteracy Rates (in per cent) - 1966-1989

				1989		
Sex	1966	1975	1984	Total	Urban	Rural
Male	53.9	42.3	34.6	26.4	19.1	37.6
Female	82.4	67.9	58.1	48.3	36.6	66.1
Total	67.9	54.9	46.2	37.2	27.7	51.7

Source: Survey op. cit.

437. It may be said that the declining illiteracy rates over the past thirty years have mostly benefitted men, for whom rates went from 53.9 per cent in 1966 to 26.4 per cent in 1989, or a relative decline of 51.0 per cent while for the female population rates have gone from 82.4 per cent to 48.3 per cent, or a relative decline of 41.4 per cent, and this is still largely attributable to the lag in the school enrolment rate for girls.

438. Moreover, the levels of illiteracy vary according to age; the effort made by the country since independence, in the field of education and the progressive increase in school attendance rates have had the direct result of reducing the illiteracy rate among the rising younger generations who were in a better position to benefit from the expansion of the education system.

Illiteracy rates by age and by sex (in per cent)
1984-1989

	1984			1989		
Age Group	Male	Female	Total	Male	Female	Total
10 - 14	9.2	25.5	17.2	3.5	13.3	8.3
15 - 19	13.4	36.1	26.4	5.3	22.4	13.7
20 - 24	15.2	39.4	27.1	9.6	33.9	21.6
25 - 29	18.4	49.5	34.0	11.1	35.7	23.5
30 - 34	27.5	63.0	45.3	14.2	45.1	29.6
35 - 39	43.1	75.6	60.0	23.6	59.6	42.3
40 - 44	59.6	88.5	74.6	38.4	73.7	56.6
45 - 49	69.0	94.3	82.0	56.5	87.2	72.2
50 - 54	75.2	96.3	85.6	66.9	93.5	80.0
55 - 59	76.8	97.0	86.4	73.0	96.2	84.0
60 - 64	80.6	97.7	88.6	76.8	96.8	86.4
65 - 69	83.5	97.2	89.4	80.9	97.7	88.8
70 and +	88.1	95.4	90.1	86.7	97.3	91.5
Total 10+	34.6	58.1	46.2	26.4	48.3	37.2

Source: Survey op. cit.

439. The rate of illiteracy increases with age. Among those under 35 years of age (individuals born after independence) the rate is only 8.3 per cent for the 10-14 age group and does not exceed 30.0 per cent among the 30-34 age group; however, among those older than 50 years of age, it exceeds 80.0 per cent.

440. Marked differences in illiteracy rates may also be observed between the sexes in all age groups. For the 10-14 age group, in particular, the rate is only 3.5 per cent for boys whereas it rises to 13.3 per cent for girls. In the 20-24 age group, young women represent over a third of the illiterates (33.9 per cent) as compared to 9.6 per cent for young men.

441. In order to combat illiteracy, a programme has been prepared within the framework of the Eighth Plan (1992-1996) to reactivate the system responsible for that function, which had been somewhat neglected for many years because of the priority given to school enrolment.

442. In the coming five years, the programme will give priority to young people in the 15-29 age group, with the objective of reducing the illiteracy rate for that category of the population from 19.2 per cent in 1991 to 10.2 per cent in 1996 (or from respective rates of 8.4 to 3.2 per cent for young men, and from 30 per cent to 17.2 per cent for young women).

443. The general female population and the rural areas of the northeastern and central western parts of the country are to be the principal targets of the programme. By the end of the Eighth Plan, it should cover about 36,000 young men and 67,000 young women.

444. In order to facilitate the implementation of the programme, an institutional apparatus has already been established: the main task of the National Commission to Combat Illiteracy which has been set up is to monitor the programme's implementation; a centre to combat illiteracy will be created which will be responsible for the preparation of programmes and surveys, technical assistance to the associations and data-gathering.

445. This project will consolidate some specific programmes which are principally engaged in teaching literacy to young women while at the same time giving them practical training: training provided at centres under the jurisdiction of UNFT, of the Regional Development Programme or in the centres for young rural women.

DEVELOPMENTS IN GIRLS' SCHOOLING

446. The development of girls' schooling since 1956 has markedly progressed at all three levels of education.

447. The efforts which Tunisia has made in that area since 1956 may be assessed as follows:

1. An increase in the enrolment of girls within the Ministry of Education and Sciences school system.

2. An investigation of the conditions favourable to the implementation of equality between the sexes, and their opportunity to accede to the various educational branches.

3. Improved school performances of girls.

4. Reduced schooling losses particularly through the containment of girls' drop-out rates.

1. Increases in the enrolment of girls in the school system

448. A marked increase in the number of girls enrolled in school has been observed, at all educational levels: primary, secondary and higher.

(a) Primary education

449. The educational progress of girls since 1956 is best appreciated through the two main indicators of the schooling effort, namely:

- New enrolments;
- Total attendance.

(a-1) New Enrolments

450. Enrolments have gone up from 58,700 in 1975/76 to 104,320 in 1992-93. This progress has resulted in a sharp increase in the rate of enrolments of six-year old girls in the primary education system, attaining 93.5 per cent in 1991-92 as compared to 54.7 per cent in 1975/76, or an increase of 38.8 points in the course of a sixteen-year period.

451. For boys of the same age, net enrolment rates for the same period only increased by 24.2 points. While this is substantial, it is a much lower increase than for girls (97.7 per cent in 1991/92 as compared to 73.5 per cent in 1975/76).

452. School enrolment of girls has progressed quite rapidly towards reducing the gaps which still exist in school enrolment levels between boys and girls. The difference, in terms of net enrolment rates for the first primary school year, was 18.8 points in 1975/76, but it went down to only 4.2 points in 1991/92.

453. An analysis based on the development index and on the ratio of girls' enrolments to total new enrolments, confirms this reduction of the difference in school enrolment levels between the sexes. This is due to the accelerated rate of increase observed in the enrolment of girls.

The progress of new enrolments in the primary schools

Schoolyear	New Enrolments			Progress Index		% Girls
	Boys	Girls	Total	Boys	Girls	
1975/76	82067	58700	140767	100	100	41.7
1980/81	90210	73454	163664	110	125	44.9
1985/86	105309	92734	198043	128	158	46.8
1990/91	112356	102599	214955	137	175	47.7
1991/92	114253	104254	218507	139	177	47.7
1992/93	113465	104320	217785	138	177	47.9

Source: M.E.S.

(a-2) Total Enrolments

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454. Enrolment of girls in the primary education system rose from 358,742 in 1975/76 to 664,081 in 1992/93. This has resulted in a sharp increase in the enrolment of girls between the ages of 6 and 13, which reached 82.8 per cent in 1991/92 as compared to 66.4 per cent in 1981/82, or an increase of 16.4 points.

455. For the boys of the same generation and in the same period, increases in net enrolment rates were not as great as for girls: 8.3 points. "92.5 per cent in 1991/92 as compared to 84.2 per cent in 1981/82". As a result of this, the gap between enrolments for the two sexes was reduced by more than half. It amounted to 9.7 per cent in 1991/92 as compared to 17.8 per cent in 1981/82.

456. The following table shows the progress in enrolments in primary schools, the progress index and the percentage of girls:

Progress in pupil enrolments, progress index and per cent of girls

SCHOOL YEAR	ENROLMENTS			Progress Index		%
	Boys	Girls	Total	Boys	Girls	
55/56	149124	60314	209438	100	100	28.80
60/61	278528	130230	408758	187	216	31.86
65/66	472270	244823	717093	317	406	34.14
70/71	563015	359846	922861	378	597	38.99
75/76	562182	358742	920924	377	595	38.95
80/81	611338	433673	1045011	410	719	41.50
85/86	713942	571941	1285883	479	105	44.48
89/90	746854	622622	1369476	501	1032	45.46
92/93	768031	664081	1432112	515	1101	46.37

Source: M.E.S.

(b) Secondary Education

457. Since secondary education has only recently been developed, the proportion of girls in the total enrolment figures is still somewhat lower than that in primary schools. However, great progress has been made. Judging from the general trends, even better prospects are to be expected.

458. Indeed, the percentage of young women in the total enrolment figures for secondary education rose from 21.5 per cent in 1955/56 to 32.4 per cent in 1975/76 and to 47.2 per cent in 1992/93.

The following table shows the progress of secondary education enrolments, the progress index and the percentage of girls:

Progress in pupil enrolments, progress index and per cent of girls

SCHOOL YEAR	Enrolments			Progress Index		%
	Boys	Girls	Total	Boys	Girls	Girls
55/56	24414	6681	31095	100	100	21.49
60/61	31203	9114	40317	128	118	22.61
65/66	59747	22801	82548	245	341	27.62
70/71	129893	49634	179527	532	743	27.65
75/76	124481	59669	184150	510	893	32.40
80/81	174162	100971	275133	713	1511	36.70
85/86	248936	173533	422469	1020	2597	41.08
89/90	268220	216870	485090	1099	3246	44.71
92/93	299499	267882	567381	1227	4010	47.21

Source: M.E.S.

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Progress Index for Primary and Secondary Education

SCHOOL YEAR	PROGRESS INDEX			
	PRIMARY		SECONDARY	
	Boys	Girls	Boys	Girls
1955/56	100	100	100	100
1960/61	187	216	128	136
1965/66	317	406	215	341
1970/71	378	597	532	743
1975/76	377	595	510	893
1980/81	410	719	713	1511
1985/86	479	948	1020	2591
1990/91	508	1061	1109	3383
1991/92	513	1082	1132	3623
1992/93	515	1101	1227	4010

Source: M.E.S.

459. This table reveals a much faster rate of growth in the secondary than in the primary division. In 1990/91, respective enrolments were 33 and 10 times greater than those for 1955/56.

460. Indeed, up to 1955/56, most girls attending primary school would leave at the end of that cycle. During the 1960s women were still reluctant to attend secondary schools. Only since the 1970s has the enrolment of girls who passed the competitive entrance examination in the first secondary year become general.

(c) Higher Education

461. The following table shows student growth in terms of index and percentage of total enrolments:

Student enrolment growth by sex

	ENROLMENT			PROGRESS INDEX		
	MALE	FEMALE	TOTAL	MALE	FEMALE	% GIRLS
1955/56	1910	358	2268	100	100	15.8
1960/61	2028	536	2564	106	150	20.9
1965/66	4556	1014	5570	239	283	18.2
1970/71	8632	2136	10768	452	597	19.8
1975/76	12809	4448	17257	671	1242	25.8
1980/81	22390	9437	31827	1172	2636	29.7
1985/86	26770	14824	41594	1402	4140	35.6
1990/91	41546	26989	68535	2175	7539	39.4
1991/92	45265	30832	76097			40.5

Source: M.E.S.

462. In higher education, progress in female enrolments is more dramatic, but women's representation is still slightly lower than it is in the primary and secondary divisions.

463. However, here again progress is substantial since female enrolment has multiplied by 75 in the course of a period of 35 years, as compared to only 20 for male enrolments, or a mean annual growth rate of more than 13 per cent, against 9 per cent for boys.

464. The proportion of female enrolment rose from 15.8 per cent in 1955/56 to 25.8 in 1975/76 and to 39.4 per cent in 1990/91. The growth rate accelerated considerably, particularly during the period between 1975/76 and 1990/91. Should growth continue at the same rate, then a balance between both sexes could be achieved in the very near future.

Progress in the school attendance rates for the 20-24 age group

Year	Student Registration		20-24 Age Group Population			School Attendance Rate for Age 20-24		
	Total	Female Students	Male	Female	Total	Male	Female	Total
1966	5570	1014	142300	151000	293300	3.20%	0.67%	1.90%
1975	17257	4448	237900	244000	481900	5.38%	1.82%	3.58%
1980/81	31827	9437	291500	306400	597900	7.68%	3.08%	5.32%
1984/85	38829	15974	355700	346500	702200	6.99%	4.03%	5.53%
1988/89	54466	20596	389500	379700	769200	8.70%	5.42%	7.08%
1991/92	76097	30832	411200	399400	810600	11.01%	7.72%	9.39%

Source: M.E.S.

2. Equality of Access by Both Sexes to All Fields of Study

465. With regard to access to learning institutions, the progression towards complete equality for both sexes is being effected together with a concern for equal representation in all types and fields of study both at the secondary and at the higher level of education; primary education is general in nature and the curriculum is the same for both sexes.

(a) Secondary Education

466. In the Tunisian educational system students are divided at the end of the orientation year into different sections or "channels". Boys and girls are enrolled on equal terms without any discrimination. All texts governing the educational system emphasize and encourage such equality.

467. Moreover, there are girls in all sections, even in those which are traditionally considered to be boys' preserves, such as mathematics-technonlogy or industrial technologies like electronics, topography, ceramics, etc.

468. It should be pointed out, however, that for various reasons the number of girls in the aforementioned sections is lower than that of boys. Girls tend to choose the Literature, Mathematics and Sciences sections, or the so-called feminine sections within the short technical courses, such as tailoring, sewing, hairdressing, etc.

469. The Ministry of Education and Sciences has, particularly in the past few years, made great efforts to reduce gender differences in different sections and specialties. This has chiefly been done by encouraging girls in secondary school to choose a technical orientation.

470. A pilot-project has been implemented in cooperation with UNESCO in two regions, Nabeul and Monastir, to encourage young women to pursue their studies in technical sections which have so far been restricted to boys.

471. Special attention has been given to training the students involved in that project and substantial advantages have been granted them, such as boarding, scholarships and job priority.

472. It should also be noted that a new law, Act 65-71 of 29 July 1991, relating to reforms in the educational system stresses that equal opportunity shall be given to students of both sexes to continue their education and to select the career of their choice among the various orientation channels.

473. In order to attain this objective more fully, the Ministry, within the framework of the orientation process, plans to conduct a broad information campaign intended to raise awareness and stimulate motivation.

474. The objective of the campaign will be to combat social attitudes opposed to equal rights for women, especially in the rural environment where reluctance is sometimes expressed.

The following table shows the proportion of girls enrolled in secondary schools. It points to improved ratios, in the last decade, for various categories of studies.

MAJOR	1981/1982		1985/1986		1990/1991	
	Enrolment	% Girls	Enrolment	% Girls	Enrolment	% Girls
Common Core	57244	38.9	6148	42.1	131028	45.0
Vocational	20282	32.0	22832	37.6	3128	56.8
SUB-TOTAL	77526	36.8	108980	41.1	134156	44.8
Literature	15312	54.3	29930	56.1	53152	59.7
Math.Sciences	15094	36.7	23557	36.1	26919	38.1
Math.Technical	417	5.4	463	4.9	416	5.5
SUB-TOTAL	30823	40.0	53850	42.1	80487	48.0
Industrial Tech.	1555	10.5	3143	16.3	5028	24.2
Economics Tech.	3564	75.9	4802	78.1	5378	74.8
SUB-TOTAL	5119	26.2	7945	31.2	10406	37.2
TOTAL	113468	36.9	170775	40.8	225049	45.4

Source: M.E.S.

475. The table also shows the progress made in improving the ratio of girls in various categories of study, which has generally been very positive. It also provides some information, by order of importance, about the category of studies in which young women are engaged.

476. Thus, while it may be noted that girls are shifting to studies which require more years of study, it is also apparent that they continue to have a preference for the Literature section, to the detriment of Math-Sciences and Math-Technical. Such choices seem to reflect their natural inclinations since the selection system implemented by the Ministry makes no distinction between girls and boys.

477. The choices made by women in that regard are also warranted by current employment trends. Young women pursue studies that will enable them to find employment in areas where they are less likely to be rejected. That is the case for teaching or, even more, secretarial careers, which attract women because they represent models conveyed to them by their social environment.

478. An increase in the proportion of girls in industrial technical courses in both the traditionally male and female specialties should also be mentioned. As a result of this, many of these courses are now coeducational.

479. It should also be mentioned that for the 1992/93 school year, the proportion of girls in secondary school increased sharply: from 45.4 per cent in 1990/91 to 47.2 per cent in 1992/93.

480. Among the second cycle courses, the literature courses continue to attract the majority of the girls (62 per cent of the total 6th and 7th year enrolments are in the category of Literature and are made up of girls, as compared to 40 per cent in the Mathematics and Science courses).

481. This situation will change with the introduction of the new secondary education reform, especially the new orientation system which is to be implemented in the course of the current year, and will lead to new distributions of students among the second cycle courses. The Technical Section in the Secondary will henceforth be strengthened by the establishment of an Economics and Management course, which will draw students away from Literature.

(b) Higher Education

482. For the 1980/81 - 1985/86 period, the proportion of female students in the medical and biological sciences sectors, and for law, economics and management have increased markedly.

483. For the 1985/86 - 1990/91 period, more than 80 per cent of the increase in female enrolment went to the sectors of humanities, law, economics and management. Girls show less and less preference for the fundamental sciences and the medical and biological sciences sector, all of which are somewhat saturated.

3. Improved Scholarship of Girls

(a) In primary schools

484. The table below leads to the following observations:

Evolution of the promotion rates in primary education

YEAR	1979/1980		1984/1985		1989/1990		1991/1992	
	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS
First Year	78.70	77.90	78.50	78.00	89.40	89.60	85.20	86.50
Second Year	81.20	81.30	79.90	80.70	81.10	82.80	81.30	83.20
Third Year	78.10	78.80	77.40	79.30	75.90	78.70	76.20	80.00
Fourth Year	75.40	75.60	75.80	77.30	76.50	79.60	76.00	79.90
Fifth Year	67.20	68.30	66.00	69.00	67.00	71.10	67.20	71.80
Sixth Year	39.10	39.80	45.40	45.30	39.70	41.00	56.40	57.80
TOTAL	70.00	70.30	70.50	71.60	71.60	74.10	74.20	77.20

- Promotion rates showed a slight overall increase during the period 1979/80 - 1989/90. In 1991/1992 the rates improved markedly (77.2 per cent as compared with 70.0 per cent in 1979/1980). This is true for both sexes.

- Rate growth, steady during the course of the cycle, became irregular for the sixth year examinations (39 per cent in June 1980; 45 per cent in June 1988; 40 per cent in June 1990 and 58.7 per cent in June 1992).

- Promotion rates to the second year of primary school rose sharply in 1989/90, going from 78 per cent to over 89 per cent. This is due to the introduction of basic instruction in the first year of 1989/90. The gradual expansion of the reform, which is to include the other school years, would bring about a general improvement in the promotion rates of all basic school levels.

- Promotion rates were higher for girls than for boys. For 1989/90, promotion rates by sex indicated a serious gap between the sexes which was to the girls' advantage (74.1 per cent for girls, as compared to 71.6 per cent for boys).

- The rate of admission to the competitive entrance examination for the first year of secondary school was higher for girls than for boys, both at the national level and in the majority of the governorates.

(a) In secondary schools

485. The table below leads to the following observations:

Evolution of Promotion rates in secondary education

YEAR	1980/1981		1984/1985		1989/1990		1991/1992	
	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS
First Year	80.88	2.7	76.3	80.4	74.6	82.4	73.4	83.1
Second Year	83.68	6.70	77.7	81.7	78.5	83.8	70.2	79.1
Third Year	77.17	6.60	73.6	74.6	72.8	74.3	64.9	68.6
Fourth Year	80.08	0.8	75.9	78.2	72.1	80.1	82.6	86.3
Fifth Year	76.77	9.8	75.9	80.3	74.7	82.7	77.5	81.9
Sixth Year	71.68	0.8	72.70	81.0	68.3	77.3	81.00	84.2
TOTAL	52.94	9.0	47.3	37.9	35.3	32.3	32.5	29.8

Source: M.E.S.

Admission Rates to the Baccalaureate

GOVERNORATE	June 1981		June 1985		June 1990		June 1992	
	Male	Female	Male	Female	Male	Female	Male	Female
Literature	67.4	61.5	66.8	58.8	40.6	36.0	39.3	35.5
Math-Sciences	48.5	41.5	38.9	34.3	34.2	32.6	53.03	53.87
Math-Tech	55.1	56.3	44.9	45.5	39.4	31.3	49.4	43.9

Source: M.E.S.

Promotion rates for girls during the first six years of the cycle were generally higher than for boys. However, it should be noted that admission rates to the baccalaureate are higher for boys than for girls, except in Math-Science in June 1992.

486. This reversal in admission rate trends by sex could be ascribed to the massive orientation of girls towards the literature section. During the last years, this trend has gone into sharp regression, in the admission rates to the baccalaureate (35.5 per cent for girls and 39.3 per cent for boys in June 1992, as compared to 67.4 per cent and 61.5 per cent in June 1981).

487. Equal opportunity for both sexes in admission to the baccalaureate is hardly a reality in the Math-Technical section, but very few women choose that category.

4. Reduced schooling losses

488. Dropping out and non-attendance affect the educational system adversely at all levels of schooling. They affect boys as well as girls.

(a) Drop-out evaluation

(a-1) In Primary Education

489. The drop-out rate for both sexes added together in the primary classes goes from 1.7 per cent in the first year to 23.4 per cent in the sixth year, showing an almost continuous increase.

The following table shows the changes in drop-out rates, by sex and school year.

YEAR	1980/1981		1984/1985		1989/1990		1991/1992	
	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS
First Year	2.5	3.7	1.6	2.8	1.2	2.2	0.8	1.7
Second Year	1	2.4	1.1	2.5	1.1	1.8	1.6	2.4
Third Year	1.9	3.7	2.0	3.4	2.8	3.5	3.2	3.7
Fourth Year	2.9	5.0	3.0	4.7	4.5	5.1	4.7	5.0
Fifth Year	1.5	8.9	7.6	7.9	8.4	8.2	9.3	8.6
Sixth Year	19.3	21.0	15.8	16.2	24.0	22.6	23.6	20.6
TOTAL	6.5	7.5	5.2	5.9	7	7.1	7.1	6.8

Source: M.E.S.

490. The drop-out phenomenon among girls is indeed markedly higher than among boys in the first four grades. It is also slightly higher in the other grades except for the school year of 1989/90 where it was higher for boys than for girls.

491. The drop-out rate in the first grade of primary school went down sharply for the school year of 1989/90 for both boys and girls. The decline is due to the introduction of basic instruction at the first-year level. The reform will result in limited drop-out rates for the whole basic school cycle. Contrary to what has been observed in preceding years, the drop-out phenomenon seemed to

affect boys much more than girls during the 1991/92 school year (7.1 per cent for boys as compared to 6.8 per cent for girls).

The following table shows the drop-out rate for 1991/1992:

	BOYS		GIRLS		TOTAL	
	Enrolment (%)		Enrolment (%)		Enrolment (%)	
1st Year	956	0.8	1865	1.7	2821	1.2
2nd Year	2242	1.6	2940	2.4	5182	1.9
3rd Year	4124	3.2	4089	3.7	8213	3.4
4th Year	5632	4.7	4912	5.0	10544	4.9
5th Year	10675	9.3	7849	8.6	18524	9.0
6th Year	29893	23.6	21642	20.6	51535	22.2
TOTAL	53522	7.1	43297	6.8	96819	6.9

Source: M.E.S.

492. The drop-out rate for boys is markedly higher than that for girls in the last two years of school. It is slightly lower in the first four years.

493. The improvement in the rate of flow for 1991/92 in the first three years of basic school and the rise in the rates of admission to the first year of secondary school in June 1992 resulted in 1991/92 in a sharp decline in the number of drop-outs (76,000 drop-outs as compared to 95,000 for 1989/90).

494. The 1991/92 school year also stands out for a marked decline in female drop-out at all educational levels.

(a-2) <u>In Secondary Education</u>

495. At the level of secondary education the drop-out phenomenon is remarkable for the fact that, during the 1989/90 school year, 50,228 students left school without obtaining a degree.

496. It is to be noted that the drop-out rate for girls is not as high as for boys.

The following table shows drop-out rate developments, by sex and by school year:

SCHOOL YEAR	1979/1980		1984/85		1989/1990	
	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS
1st Year	5.4	4.3	6.9	5.3	9.3	6.2
2nd Year	6.8	5.1	7.0	5.7	5.7	4.7
3rd Year	11.2	11.4	8.9	8.1	11.8	10.7
4th Year	8.9	8.3	7.0	4.8	12.7	8.1
5th Year	10.7	8.8	8.9	6.3	12.6	7.5
6th Year	16.1	8.3	11.6	6.2	18.5	11.7
7th Year	17.4	17.5	13.9	14.9	24.5	22.1
TOTAL	9.2	7.8	8.3	6.6	11.7	8.9

Source: M.E.S.

- Drop-out affects boys more than girls throughout the school years.

- Rates for the 1989/90 school year are high for all grades, particularly the 7th year. The rate of admission to various categories of baccalaureates has declined markedly in recent years.

(a-3) In Higher Education

497. The following table shows drop-out rate developments for the two academic years of 1989/90 and 1990/91:

Drop-out in Higher Education (1)

	End of 1989/90				End of 1990/91			
	Boys		Girls		Boys		Girls	
	Drop-outs	Drop-out Rate	Drop-outs	Drop-out Rate	Drop-outs	Drop-out Rate	Drop-outs	Drop-out Rate
1st A	2472	15.01%	1082	10.54%	2384	14.45%	1068	9.41%
2nd A	727	8.20%	417	6.80%	765	7.98%	424	6.29%
2nd Cycle 3rd and 4th A	78	0.80%	47	0.77%	90	0.78%	42	0.56%
TOTAL	3277	9.34%	1546	6.86%	3239	8.61%	1534	6.00%

Source: M.E.S.

(1): This refers to those who have been denied admission at the end of the academic year because their registration expired

(b) Causes of drop-out among girls

498. The following analysis of drop-out causes is limited to drop-out among girls at the level of primary education since a large number of students enter private schools at the secondary level. In higher education, drop-out is most often caused by denial of admission due to the expiration of registration fees.

499. The analysis of drop-out among girls at the primary school level is chiefly based on the results of two specific surveys on the subject, namely:

- The survey conducted by the Directorate of Planning, Statistics and Computer Science at M.E.S. on the causes of voluntary drop-out in 1979/1980, from the first to the fifth year of primary school.

- The survey conducted in 1990/91 by the National Union of Tunisian Women (NUTW) in conjunction with UNICEF and the Ministry of Education and Sciences on the causes of drop-out in the rural environment.

500. The main results of the surveys on the causes of voluntary drop-out from the first to the fifth primary school year are the following:

The following table shows the distribution of voluntary drop-out, by cause and by sex

Frequency of Response		
Causes	Boys	Girls
School Performance	25.0	19.3
Family	40.2	52.1
Economic	12.6	11.8
Health	6.8	4.3
Material	6.3	5.7
Other	9.1	6.8
TOTAL	100.0	100.0

Source: M.E.S.

- The major reasons given for drop-out are the family, performance and economics.

- Drop-out for reasons of performance is defined as follows: "the student left voluntarily or was taken out of school by his parents because of his/her poor performance in school".

One-fourth of the drop-outs among boys and one-fifth among girls fall into that category.

- Drop-out caused by family situations (deceased father or mother, parents residing abroad, no guardian, need to stay home to take care of brothers and sisters, lack of interest in schooling on the part of parents) is cited for 40.2 per cent of the boys, and 52.1 per cent of the girls. This is the major cause of dropping out, regardless of school environment or teaching conditions.

- Drop-out for economic reasons (the family cannot afford to pay the expenses incurred in connection with the child's schooling, or the child has been taken out of school to help the parents in their work), is cited for 12.6 per cent of the boys and 11.8 per cent of the girls. It occurs more frequently in rural areas (14.6 per cent) than in the large urban centres (3.5 per cent).

The classification of voluntary drop-outs by cause and type of school show that pedagogical factors (sectional classes, overcrowded classes, difficult material conditions, rural environment, etc.) do not have a decisive effect on the classification of drop-outs by cause.

501. The principal results of the analysis of "the causes of school drop-out for girls living in rural areas" are detailed in the table below. The table represents the distribution of drop-outs by cause, according to the opinions given by the members of the household: the girl drop-out herself, her mother, her father, and her eldest brother.

CAUSE	Frequency of Responses				
	Girls	Father	Mother	Brother	TOTAL
High Cost of Education	28.6	31.2	32.0	30.6	31.4
Poor Performance in School	25.0	23.7	23.1	25.4	23.8
Household Duties	18.2	19.5	19.2	19.4	19.3
Work in the Family Business	9.4	7.7	8.0	7.0	7.7
Refusal to Continue in School	5.3	6.0	5.3	4.8	5.5
Death of parent	3.1	5.9	4.9	5.0	5.3
Work as Salaried Employee	2.9	1.9	2.3	2.4	2.2
Engagement or Marriage	2.9	1.8	2.1	1.6	1.9
Conflict between Parents	2.8	1.4	2.0	1.6	1.7
No Response	1.8	-	1.0	2.0	1.2
TOTAL	100.0	100.0	100.0	100.0	100.0

Source: M.E.S.

502. The high cost of education, poor scholarship results and the obligation of a girl to attend to household chores are the main causes of school drop-out as stated by the various members of the household.

503. These three causes are involved in almost 75 per cent of the drop-out cases and are defined as follows:

- The high cost of education: although free of charge, school expenses are too high and strain the household budget with additional charges; or keeping the child in school causes a loss of earnings for the household. Because of the high cost of education, parents with low income first take their daughter out of school, then their son.

- The obligation to perform household chores: the daughter quits school to do household work, either to replace the divorced, sick or deceased mother, or to help her. The assistance of girls may be requested by aging mothers, or by those whose household is becoming too large, or to replace the assistance they were receiving from an older daughter who is leaving to get married or to take a salaried job.

- Poor scholarship results evidenced by failing to pass the sixth grade examination (expulsion for having exceeded the mandatory age, taken out of school by parents, refusal to take the examination a second time) or during the curriculum (repeating a class several times, at the parents' initiative because of the poor school performance of their daughter, etc.).

504. Several factors can contribute to poor performance in school (inability to purchase school equipment, distance from school, bad housing conditions, negative attitude of teachers, conflict between parents, lack of guidance at home, etc.).

505. Although conducted apart from each other (1979/89 and 1990/91) and using somewhat different populations (drop-out of both sexes from the first to the fifth school year, drop-out in primary school of girls from rural areas), both surveys reach the same conclusions since they agree on the main causes of school drop-out.

FINANCIAL ASSISTANCE

506. In 1989/90, financial assistance totalled approximately 2,487,000 Tunisian dinars for primary education, of which 2,170,000 were allocated to school canteens and the remainder was used for clothes and school equipment, and for secondary education, some 6,072,000 Tunisian dinars divided into 56,175 scholarships.

507. School Canteen Development:

Primary Schools

School Year	Number of Schools	Number of Canteens	%	Enrolment	Number of Meals	%
87/88	3676	1704	46.35	1,338,905	213,690	15.96
88/89	3676	1688	45.92	1,326.150	223,480	16.85
89/90	3774	1913	50.69	1,369,476	223,480	16.32
90/91	3841	1919	49.96	1,398,119	223,480	15.98
91/92	3940	2005	50.89	1,417,803	223,480	15.76

Source: M.E.S.

Secondary Schools

School Year	Boarders			Day-boarders			Students with Grants		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
87/88	41418	19060	60478	11481	6780	18261	37395	17626	55021
88/89	41215	18516	59731	12942	6855	19797	37623	16592	54215
89/90	39550	19181	58731	12864	7378	20242	38068	18107	56175
90/91	39183	20040	59223	13047	8126	21179	38141	19775	57916
91/92	37014	20555	57569	13172	8735	21910	36890	20460	57350
92/93	39225	23067	62292	14374	9896	24470	37840	22127	59967

Source: M.E.S.

508. NUMBER OF TEACHERS:

Primary Schools

YEAR	93/92	91/92	90/91	89/90	88/89	87/88	86/87	85/86	84/85	83/84	82/83
NUMBER	24906	24354	22379	19626	18155	17919	16086	15467	13150	11109	9526
% Women	45.5	45.4	44.5	42.6	41.3	41.5	39.3	38.0	36.1	33.6	31.6

Source: M.E.S.

Secondary School Teachers, by sex

SCHOOL YEAR	MEN	WOMEN	TOTAL	%
1981/82	9,747	4,556	14,303	31.85
1982/83	10,798	5,227	16,025	35.62
1983/84	11,932	6,011	17,943	33.50
1984/85	13,120	6,813	19,933	34.18
1985/86	14,013	7,488	21,501	34.03
1986/87	14,004	7,557	21,501	34.03
1987/88	14,287	8.086	22,373	36.14
1988/89	14,673	8,627	23,300	37.03
1989/90	14,799	9,057	23,856	37.97
1990/91	15,150	9,324	24,474	30.10
1991/92	15,667	9,778	25,445	38.43
			26,340*	

Source: M.E.S.

* Exclusive of technical school teachers.

Higher Education - Percentage of Female Teachers out of All Full-Time Teachers

	80-81	81-82	82-83	83-84	84-85	85-86	86-87	87-88	88-89	89-90	90-91	91-92
Total Teachers (1)	2333	2731	2680	2905	3340	3592	3643	3775	3901	4225	4592	4941
Women	362	421	441	460	533	593	564	633	738	816	984	1070
% Women Teachers	15.52	15.42	16.46	15.83	15.96	16.51	15.48	16.77	18.92	19.31	21.43	21.66

Source: M.E.S.

(1) Full-time teachers, including teachers under contract for a specific period of time.

509. WOMEN IN MANAGEMENT POSITIONS:

*Primary School

	TOTAL	WOMEN	%
SCHOOL DIRECTORS	4056	46	1.13
INSPECTORS	110	20	18.2

Source: M.E.S.

*Secondary School

	TOTAL	WOMEN	%
DIRECTORS OF INSTITUTIONS	663	35	5.28
MONITORS	330	24	7.2
VICE-PRINCIPALS	933	70	7.5

Source: M.E.S.

*Central and Regional Administrations

		TOTAL MEN	WOMEN	%
REGIONAL EDUCATION MANAGEMENT	DIRECTORS DEPUTY DIRECTORS HEADS OF DEPARTMENTS	16 48 94	0 0 0	0 0 0
CENTRAL EDUCATIONAL ADMINISTRATION	DIRECTORS DEPUTY DIRECTORS HEADS OF DEPARTMENTS	9 25 39	0 4 4	0 16% 10.2%
CENTRAL ADMINISTRATION (HIGHER EDUCATION)	DEANS	327	43	13%

Source: M.E.S.

510. DEGREES IN HIGHER EDUCATION BY SEX AND BY CATEGORY:

Category	89/87	87/88	88/89	89/90	90/91
1-Fundamental Sciences					
- Total Graduates	303	385	420	521	621
- Proportion of Women	125	167	140	172	232
- % of Women	41.25%	43.38%	33.33%	33.01%	37.36%
2-Technical Sciences					
- Total Graduates	954	1039	1117	953	1133
- Proportion of Women	121	153	163	160	613
- % of Women	12.68%	14.73%	14.59%	16.79%	15.53%
3-Literature & Human Sciences					
- Total Graduates	704	767	1274	1148	1253
- Proportion of women	334	345	4560	532	613
- % of women	47.44%	44.98%	43.96%	43.34%	48.92%
4-Law, Economics and Management Sciences					
- Total Graduates	1305	1553	1655	1510	2310
- Proportion of Women	526	652	613	582	967
- % of Women	40.31%	41.98%	37.04%	38.54%	41.86%
5-Medical & Biological Sciences					
- Total Graduates	1052	1102	1149	1017	1223
- Proportion of Women	581	624	656	555	693
- % of Women	55.23%	56.62%	57.09%	54.57%	56.66%
6-Agricultural Sciences					
- Total Graduates	269	358	333	387	375
- Proportion of Women	55	96	51	89	64
- % of Women	20.45%	26.82%	15.32%	23.00%	17.07
Total Categories					
- Total Graduates	4587	5204	5948	5536	6915
- Proportion of Women	1742	2037	2183	2090	2745
- % of Women	37.98%	39.14%	36.70%	37.75%	39.70%

Source: M.E.S.

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WOMEN'S PARTICIPATION IN PHYSICAL EDUCATION AND SPORTS

511. Female students from all schools have access to physical education and sports on equal terms with boys and are often selected for enrolment in the Sports Lycée or to join regional or national sports teams in the sport they have chosen. They also have the opportunity to develop their talents by joining the sports associations of their Lycées or colleges or by joining a public team of their choice.

512. Family or societal opposition to the participation of girls in sports is sporadic provided that activity takes place within the school environment.

513. Moreover, the Tunisian family is currently more than ever aware of the various advantages offered by sports.

514. It should be noted, however, that the number of students who are excused from participating in sports activities is higher among girls than among boys. The important point is that such an excuse must be verified and every school administration sees to it that this is done.

515. In addition, tests in physical education and sports are graded, for girls as well as for boys, but according to different standards. As a requirement for the baccalaureate, girls undergo physical education and sports tests.

X. EMPLOYMENT

(Article 11)

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction;

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

516. Government intervention in the field of employment is an integral part of its general action in favour of human rights; in that respect, the right to work has its place among the basic rights. "One of the great sources of pride of our people is that they were among the first to free themselves of their prejudices, eliminating all discrimination based on sex and opening up the path of opportunity for women to work and struggle alongside men, while watching over their acquired rights".

517. This excerpt from the 13 August 1992 address of the President of the Republic reaffirms once again Tunisia's political choice in favour of women, which entails a joint effort by all sectors of society to emerge from under-development and to build a modern State and a new civil society.

LEGAL PROVISIONS FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN THE FIELD OF EMPLOYMENT

1. Implementation of the principle of non-discrimination

(a) In the field of employment

518. The general statute governing employees of the State, local collectives and public administrative bodies (S.G.P.E.), the general statute governing employees of Government agencies and officers in charge of industrial and commercial functions and of companies with wholly State-owned capital or owned by local communities (S.G.A.O.), the Labour Code and the framework collective agreement, constitute the legal framework establishing the conditions for employment and training.

519. These texts recognize the principle of non-discrimination between the sexes and provide for specific women's rights.

520. Indeed, article 11 of S.G.P.E. (Act No. 83-112 dated 12/12/1983) provides that both sexes must be treated equally under the current Act. It further provides for post-natal leave, which at the request of the woman, may be followed by a four-month leave at half pay.

521. Pursuant to that text, the mother may also elect to take leave in order to attend to the education of her children under six years of age, or to care for a severely handicapped child. Lastly, S.G.P.E. provides that women have the right to work on a half-time basis and are entitled to early retirement.

522. Article 4 of S.G.A.O. (Act No. 85-78 of 5/8/1985) further provides that it "applies to both sexes without distinction".

523. The same provisions have been adopted in the sectoral collective agreements. Like S G.P.E., the Labour Code and the framework collective agreement have also adopted specific measures aiming at combining women's social tasks as mothers with their role in the labour force as a development factor. These are the right to maternity leave and the installation of a special nursing room in enterprises employing at least 50 women.

524. In addition, Tunisia has for a long time endorsed the principle of non-discrimination between men and women in the field of employment, and did so by ratifying several International Labour Organization conventions supporting that principle, namely:

- Convention No. 45 concerning the Employment of Women for Underground Work in mines of any category, ratified in 1957;

- Convention No. 89 concerning Night Work for women, ratified in 1957 and its additional protocol of 1990, ratified by Tunisia on 11/30/1992;

- Convention No. 111 concerning Discrimination in Employment and Occupation, ratified in 1959;

- Convention No. 122 concerning Employment Policy, ratified in 1966;

- Convention No. 100 concerning Equal Remuneration for Men and Women for Work of Equal Value, ratified in 1968;

- Convention No. 117 concerning Social Policy (Basic Aims and Standards), ratified in 1970.

525. The emergence of women in the labour force is an irreversible fact. In 1992, women employed in the public sector represented 46.2 per cent of the staff of the Ministry of Public Health, 38.8 per cent at the Ministry of Education and Sciences, 55 per cent at the Ministry for Social Affairs, 4.8 per cent at the Ministry of the Interior, 5.7 per cent at the Ministry of Defense; thus, women constitute 27.6 per cent of all Government employees, but only 11.43 per cent at any level of responsibility.

526. Within the framework established to reinforce women's gains and the changes in the legislation aiming at advancing the status of women in civil society, the following new measures were adopted by the President of the Republic on 13 August 1992, on the occasion of Women's Day:

- the introduction of provisions into the Labour Code which expressly endorse the principle of non-discrimination between men and women in the implementation of its provisions (covering all aspects of employment: recruiting, compensation, working conditions, vocational training, the breach of labour contracts) as well as in the texts used in its implementation;

- the abolition of Labour Code provisions which may be construed as discriminatory against women (and in particular the amendment to article 135 regarding the minimum agricultural wage (S.M.A.G.); there is in fact no discrimination in practice, pursuant to International Convention No. 100 ratified by Tunisia, which endorses equality between men and women with regard to compensation;

- the reinstatement of a nursing period for public service employees who do not have the benefit of maternity leave.

(b) <u>In the area of vocational training</u>

527. Pursuant to article 339 of the Labour Code, all aspects of vocational training must be implemented to benefit young women as well as young men.

528. In that connection, the President of the Republic stressed the following in his 13 August 1992 address: in order to "promote the work of women and to widen

their horizon in all directions, we recommend that the agencies in charge of vocational training lift all obstacles standing in their way, enabling them to accede to any available opportunity to specialize in the various trades and professions".

529. The general function of the Ministry for Vocational Training and Employment is to execute Government policies in those areas and, in conjunction with the institutional framework concerned, to ensure the strict implementation of equal opportunity so that girls and women benefit from it through the available services of the national training and vocational placement machinery.

2. Reserved or inaccessible Professions for women

530. The Investment Code, Labour Code and Collective Agreements contain no provisions whereby certain occupations are reserved for women or from which they are banned.

531. Nevertheless, in order to protect women's health and pursuant to International Labour Convention No. 45 concerning underground labour, ratified by Tunisia in 1957, the Labour Code prohibits employing women of any age for underground labour or for salvaging used metals.

3. Equal Pay

532. Since 1968, by ratifying Convention No. 100 on equality in compensation, Tunisia has endorsed the principle of equal pay for equal work for both male and female workers.

533. Article 11 of the collective agreement signed on 20 March 1973 expressly endorses the principle of non-discrimination in labour classification and compensation. The provisions contained in article 11 have also been adopted in the sectoral collective agreements.

534. With respect to labour classification, some objective criteria are taken into account, such as the level of education, degrees and work experience.

535. Likewise, salary structures establish hourly or monthly wages according to the worker's category and seniority in that grade without reference to the wage-earner's sex.

536. Breaking away from the old reflexes and prejudices regarding labour divisions based on sex is not only a matter of legislation, but also the result of a necessary change in mentality; it concerns not only employers but to an even greater extent public opinion and the general environment, which sometimes influence businesses in their choice.

PROMOTING EMPLOYMENT WITHOUT DISCRIMINATING AGAINST WOMEN

537. In addition to the legislation enacted and within an employment promotion framework seeking to provide more relevant vocational training, some measures were adopted and others are being planned to help young men as well as young women.

1. Employment stimulation programme

Training periods for professional careers, established by Decree No. 87-1190 of 26 August 1987: Offered to young university graduates, the training is to be conducted at public and private enterprises, Government offices, or local public collectives. The duration of the training period may not exceed two years.

538. Training periods for vocational careers, established by Decree No. 88-175 of 31 March 1988: Offered to "young graduates from the second level of secondary education and graduates from the vocational training system or specializations having completed a minimum of 6 years of post-primary education" (article 1 of the Decree). The training is to be conducted at private enterprises affiliated with a social security system. The maximum duration of the training period may not exceed one year.

539. Job-training contract (C.E.F.): Established by Act No. 81-75 of 9 August 1981. Offered to young people who have completed a technical or vocational training course in an enterprise.

540. The Integration and Vocational Adaptation Fund (FIAP): The system comprises several integration mechanisms: Entry training for employment in a company; Installation training; On-the-job training; Sub-contracting to companies engaged in entry training; Relocation bonuses to encourage geographic mobility; Refresher courses and retraining of employees in troubled companies.

Within that framework, women have benefitted from these services as follows: over 80 per cent in the textile industry, 10 per cent in agriculture and 50 per cent in other industries.

541. The National Fund for the Promotion of Crafts and Trades (FONAPRA): Established by Act No. 81-76 of 9/8/1981, as amended by Finance Act No. 86-106 of 31/12/1986 (article 51).

The modalities and conditions whereby assistance is granted by the Fund are established by Decree No. 87-923 of 4 July 1987. Article 2 of the Decree stipulates that: "new or expansion projects stimulating employment are eligible for FONAPRA assistance" provided to "Tunisian nationals wishing to start a business either independently or within the framework of companies or cooperatives (article 1). Such individuals must show appropriate qualifications and make a commitment to dedicate themselves full-time to their project.

542. The Fund for Industrial Promotion and Decentralization (FOPRODI): The fund for Industrial Promotion and Decentralization (FOPRODI) established by Act 1973-82 and Decree of 16 August 1974 underwent several legal amendments, the most significant of which were those of 1978 and May 1988. FOPRODI's objectives, which remained unchanged, are the following:

Encouraging entrepreneurs;

Encouraging the creation and the development of small and medium-sized enterprises (Industrial SME);

Stimulating industrial decentralization.

543. It should be noted that the creation of jobs generated by FOPRODI underlies the three objectives listed above since none of these is an end in itself. Indeed, by promoting entrepreneurs, the latter are able to create their own jobs and to hire the workers they need. Aid to SMEs is based on the belief that they are more likely to create a greater number of jobs than large enterprises.

544. Likewise, the final goal of industrial decentralization is to establish businesses in the interior of the country and to offer stable employment to workers tempted to leave the rural areas and move to the large cities.

545. From its implementation in 1976 to 1990, FOPRODI has provided assistance for 1353 projects, and a total investment of 225.3 million Tunisian dinars intended to create 31,825 jobs. The female beneficiaries of FOPRODI represent 4.8 per cent of all implemented projects and 65 per cent of all the jobs created (sources: the General Authority for Rural Development Survey of March 1992 and the Investment Promotion Agency).

2. The Situation of Employment for Women

546. The access of Tunisian women to the labour force is the result of several factors of social and economic change, among which non-discriminatory and progressive labour laws in the field of women's rights and a substantial increase in school enrolments of girls are the most important.

547. The country's total economically active population was estimated in 1989 at 2,360,000 according to the Population/Employment Survey, or 29.8 per cent of the total population. Of that number, 1,866,300 were men and 494,300 women, or 79.1 and 20.9 per cent respectively.

548. Although they were a small minority of the labour force when Tunisia became independent in 1956, there are now more than 500,000 employed women, and they represent more than one fifth of the economically active population.

Active population by sex (in OOOs)

Year	1966	1975	1984	1989
Male	1 072.0	1 318.3	1 681.7	1 866.3
Female	66.5	303.5	455.5	494.3
Total	1 093.7	1 621.8	2 137.2	2 360.6
% female	6.1	18.7	21.3	20.9

549. The employed active population at the time of the survey amounted to 1,978,800 persons, of whom 80.5 per cent were male and 19.5 per cent female.

Structure of active population by age and sex

Age group	Male (%)			Female (%)		
	1975	1984	1989	1975	1984	1989
Under 25 years	31.0	29.5	24.9	52.0	49.5	42.0
25-59 years	61.8	63.6	68.4	44.7	48.5	55.3
60 and over	7.2	6.9	6.7	3.3	2.0	2.7
Total	100.0	100.0	100.0	100.0	100.0	100.0

(a) Women's occupations by sector

550. The Population/Employment Survey of 1989 showed that, of 368,000 employed women, 294,500 or 75 per cent worked in the industrial and service sectors.

551. These sectors benefited from the lack of interest by women in the agricultural sector. In 1984 24.7 per cent of employed women were in the agricultural sector; this proportion is decreasing steadily as it was 22.5 per cent in 1989. The proportion is also decreasing for men. It must be noted, however, that a large number of women work in agriculture without being considered "economically active" or "employed", as their work is part of their everyday duties.

552. Wage-earning female workers in the agricultural sector do not exceed 4 per cent, while the proportion of permanent family workers varies between 46 and 38 per cent. In a country where for a long time the dominant model was considered that of the woman at home women often hesitate to be considered economically active even though many of them have always carried out handicraft or agricultural tasks within the family framework.

553. This restrictive perception often gave rise to underestimation in the statistics on female employment in the rural environment in particular and specifically in the agricultural sector.

554. Only the basic agricultural survey carried out annually by the Ministry of Agriculture has been able to establish statistics on the agricultural labour force by sex which more accurately reflect reality.

Percentage of female labour force in the agricultural sector

Year	1986 %	1987 %	1988 %	1989 %	1990 %	1991 %	1992 %
PPLF (1)	4.7	8	3.5	3.9	4	4	4
TPLF (2)	36	30	34.3	34.1	34.4	35	38
PFLF (3)	43	46	45	38	36.3	36	38
TFLF (4)	42	66	67	58	52.5	54	56

Figures taken from the Ministry of Agriculture's basic survey.

NSI = National Statistical Institute

(1) PPLF = Permanent paid labour force.
(2) TPLF = Temporary paid labour force.
(3) PFLF = Permanent family labour force.
(4) TFLF = Temporary family labour force.

555. Manufacturing industries are also characterized by the size of the female labour force: the proportion of women working in this sector is 43 per cent, with 76.5 per cent in the textile and leather industries. This proportion has fallen markedly since 1984, when women represented 51.4 per cent of the total labour force of manufacturing industry, of whom 81.8 per cent were employed in textiles. This reduction in both agriculture and manufacturing industry is made up for by a marked contribution by economically active women to services.

Proportional distribution of economically active female population by major branch of economic activity (in per cent)

	1975	1989
Agriculture	26.5	22.5
Manufacturing industries	47.3	42.9
Non-manufacturing industries	0.8	1.2
Productive services	12.0	12.7
Administrative services	10.7	19.4
Unreported	2.7	1.2
Total	100.0	100.0

Source: NSS.

(b) Women's occupations by age and environment

556. The rate of participation of economically active women also varies by age and whether the environment is urban or rural. The active urban and rural population amounts to 62.3 per cent and 37.7 per cent respectively of the total active economic population (1989).

557. The highest percentage is among the young and particularly the age groups between 20 and 29; this rate increased considerably between 1966 and 1989 and reaches its maximum in the 20-24 year age group when women are still unmarried or recently married.

558. The rate of employment of urban women reaches its peak in the 20-29 age group and drops sharply after 60; it remains the same, however, among rural women where women's work has a family character.

It should also be noted that entry into economically active life at a later age also implies higher levels of schooling or vocational training.

Urban/rural distribution of economically active women

Year	1966		1975		1984		1989	
Environment	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Urban	49.445	10.0	178.370	21.5	264.960	22.8	337.500	22.6
Rural	17.024	2.4	125.140	16.2	191.100	20.7	156.800	16.7
Total	66.469	5.5	303.510	18.9	455.000	21.8	494.300	20.3

Rate of employment by age group, sex and environment in per cent

1984	Urban		Rural		
Age group	Men	Women	Men	Women	Total
15-19 years	47.42	25.49	63.79	24.79	40.21
20-24 years	76.83	40.94	85.51	34.25	59.57
25-29 years	94.74	33.10	96.11	24.57	62.12
30-34 years	97.89	26.54	97.72	19.79	60.65
35-39 years	97.85	20.16	98.04	17.32	56.76
40-44 years	97.50	13.47	97.50	15.87	54.59
45-49 years	95.61	10.07	96.89	14.94	53.48
50-54 years	92.11	8.94	93.64	14.75	52.68
55-59 years	78.31	6.72	86.41	13.54	47.66
60-64 years	48.73	2.94	70.37	6.13	33.41
65-69 years	32.66	2.37	59.48	6.45	27.91
70 years and over	19.71	1.76	47.77	4.73	20.04
Total	76.13	22.82	82.72	20.65	50.77

Source: NSI.

VOCATIONAL TRAINING

559. The educational policy inaugurated after independence and the democratization of education particularly benefited the level of education for girls. The level of female school attendance rose markedly and was accompanied by the assumption of responsibility for school administration by the Ministry of National Education and Sciences.

1. Forms of training

560. In order to meet the needs of a population whose level of schooling varies from six years of primary schooling to seven years of secondary schooling and includes functional illiterates (young people who left school after primary school and wish to resume economic activity after a long time), three forms of vocational training are offered.

- Apprenticeship governed by a contract in accordance with the Labour Code in order to meet the needs of young boys and girls who cannot

meet the requirements of age and level of schooling established by the other training suppliers;

- Initial training for young people who have had no vocational training and wish to achieve qualification for a specific vocation in order to find employment;

- Continuing training as part of the advancement of workers, intended to improve the scholastic level and vocational competence of workers (both men and women).

2. The different providers of training

561. The various providers of training complementing the Ministry of National Education may be classified as follows:

- Public sector;

- Private sector;

- NGOs.

562. In the public sector, the Ministry of Vocational Training and Employment, the Ministry of Education and Sciences, the Ministry of Agriculture, the Ministry of Social Affairs, the RDP, NHO and NOTT* have 314 training institutions distributed throughout the country. This sector represents 42.72 per cent of available training places and does not discriminate between boys and girls either by its regulations or in reality, as is shown by the table below.

National facilities for vocational training (current status)

	Provider	Institutions			
		Number	% of female institutions/ national	% of coed institutions	% of female institutions/ sectoral
PUBLIC SECTOR	Ministry of Vocational Training and Employment	84	11.43	15.5	14.3
	Ministry of Health	20	2.72	100	
	Ministry of Agriculture	31	4.2		9.7
	NOTT	6	0.8	100	
	NHO	17	2.3		100
	RDP (GCRD and GC)	156	21.20		100
	Subtotal 1	314	42.72		
NGO	UNFT	116	15.78		100
	Subtotal 2	116	15.78		
PRIVATE	Private sector	305	41.50	95	
	Subtotal 3	305	41.50		
	Total	735	100		

* RDP = Regional Development Programme
NHO = National Handicrafts Office
NOTT = National Office of Tunisian Tourism
GCRD = General Commission for Regional Development
GC = Governing Council

563. The private sector, in which, likewise, no distinction is made between the training given boys and girls, represents 41.5 per cent of the national capacity for vocational training and is 75 per cent coeducational.

564. Lastly, the non-governmental organizations, particularly UNFT, are specifically oriented towards women and represent 15.78 per cent of the vocational institutions (dress-making, handicrafts and embroidery). Their programmes, established since independence, make a basic contribution to enabling women to become economically productive and to remain in their regions of origin.

3. Assessment of vocational training

565. Whatever the sector or provider, the results of recent years are regarded as positive. During the 1986-1992 period, 36,223 girls were trained by the public sector, 38,662 by the private sector and 11,700 by NGOs.

566. The quantitative evaluation indicates that the training facilities can meet the needs of women whose level of schooling varies between illiteracy or functional illiteracy and those who interrupted their schooling for various reasons, as the different providers seek to meet their needs depending on their level of schooling.

567. Moreover, the training provided by the NGOs meets a specific need by enabling its beneficiaries to find work in garment manufacture which permits them to support themselves, although it does not provide a wide choice of options.

568. Taking all the facilities into account, there have been an increasing number of beneficiaries of training, although the specialities they offer women are not numerous. The concentration is in services, clothes-making and rural training (services 83 per cent, rural training 100 per cent, handicrafts 75 per cent).

The number is further increased by the tourist industry, where a large number of girls are trained, although the training consists essentially of work-training courses.

569. It must be noted, however, that official speeches and the State's encouragement of the advancement of women in recent years have certainly engendered an increased consciousness among women of the advancement they can achieve through training and the improvement of their vocational skills.

PROSPECTS FOR IMPROVING AND ENCOURAGING THE EMPLOYMENT AND TRAINING OF WOMEN

570. In the light of the reports evaluating national training facilities, the reform of vocational education and the conclusions of the National Commission on Women and Development, some measures with regard to employment and training which are regarded as having priority deserve mention:

- The disaggregation of the statistics in this field in order to obtain a clearer grasp of the activities of women and their quantitative and qualitative needs with respect to training;

- The introduction of a breakdown by sex in the quantitative goals of the vocational training strategy in order to contribute to the integration of women into production recommended in the Seventh Plan (1992-1996);

- The introduction of the female dimension into the mass communications programmes concerning the possibilities of training and employment;

- Improving the information and guidance given women in order to eliminate discriminatory conditions with respect to specialization;

- Increasing the number of young girls in basic training;

- Encouraging women to undertake specialized training in developmental sectors such as agriculture, trade, industry and services;

- Quantitative and qualitative improvement of the vocational training offered young rural women (modernization of the training modules, recycling of trainers, etc.);

- The construction, equipment and improvement of a number of pilot centres in suburban areas;

- The promotion of small enterprises managed by women and encouragement of them to form corporations in their localities;

- Taking steps to promote service cooperatives for women in order to enable those operating small enterprises to acquire the necessary equipment and training and specific lines of credit in the regional development programmes;

- Training to enable women to establish individual or cooperative enterprises (knowledge of management, accounting, law, relevant administrative procedures);

- Consolidation of the role of women in productive activities;

- The promotion of female human resources by consolidating existing mechanisms and means;

- Diversification of the training channels available to women and the integration into them of technology so as to increase women's opportunities to enter the labour market;

- The establishment of specific allocations for women within the funds for the promotion of handicrafts and small trades (FONAPRA) and for vocational training and adaptation (FIAP);

- Technical and teaching assistance and follow-up by NGOs and the organizations responsible for establishing machinery to integrate women into the labour market;

- Improvement of the schedules established for continued training in order to take into account women's family responsibilities;

- Measures encouraging women to take more advantage of continued training by associating the different partners, adapting programmes to the specific needs of women and strengthening the infrastructure with respect to creches.

ESTABLISHMENT OF THE PRINCIPLE OF NON-DISCRIMINATION WITH RESPECT TO SOCIAL SECURITY

573. Act No. 85-12 of 5 March 1985 concerning civil and military pensions and survivors' benefits provides in its first article that the system established shall apply "to all public employees regardless of their administrative situation, the manner in which they are paid, their sex or nationality".

574. The principle of non-discrimination explicitly stated in this text reflects the spirit underlying Tunisia's entire social security system and meets the international standards established by the International Labour Organization, including Convention No. 117 concerning basic aims and standards of social policy, which has been ratified by Tunisia, and establishes the guidelines of non-discrimination in social matters on grounds of race, colour, sex, belief, membership in a traditional group or trade union affiliation.

575. The application of the social security system to all affiliated workers without discrimination as to sex implies an obligation of affiliation by the persons covered whether they are male or female.

576. Moreover, covered workers who meet the conditions established by the social security legislation have a right to the benefits provided by that legislation without distinction as to sex. Thus, covered women are eligible for social security benefits on the same footing as men, except for the non-cumulation of certain benefits such as family allowances, which are payable only once per household. With this exception, women covered by social security enjoy all social insurance benefits (sickness benefits and health care allowances), retirement, sickness, labour accident and occupational disease benefits. They may also transmit benefits in case of death to family members, including children.

577. In addition, covered women have specific rights linked to their status, such as maternity leave or maternity benefits and the possibility of early retirement for women with children.

578. In addition to the rights deriving from their own work. women, whether working or in the home, have rights deriving from an insured spouse, including health care and death benefits and pension entitlements.

LEGAL MACHINERY FOR THE PROTECTION OF THE HEALTH AND SECURITY OF WORKING WOMEN

579. Together with the common provisions applying to both men and women (hiring, working hours, rest periods, pay, leave, health and safety measures, breach of labour contract, etc.), Tunisian legislation contains special provisions for the protection of working women as women and mothers.

1. Protection of working women as women

580. In view of the physiological characteristics of women and in order to protect their health, Tunisian legislation prohibits the employment of women in certain dangerous or difficult work and establishes the principle of prohibiting night work for women.

(a) Dangerous or difficult work

581. Underground work

Pursuant to the provisions of International Labour Convention No. 45 on the employment of women in underground work, the Labour Code provides in article 77 that no person of the female sex, whatever her age, can be employed in underground work.

582. Recovery of scrap metal

Article 78 of the Labour Code prohibits the employment or permitting of the employment of women in establishments, parts of establishments or workshops engaged in the recovery, processing or storage of scrap metal.

583. Agricultural work involving special risks

The Labour Code provides under article 375 that authorization to allow women to carry out certain agricultural work involving special risks may be made subject to special conditions established by ministerial decree.

584. Difficult work

In order to make the work of women employed in carrying loads less difficult, a decree of 5 May 1988 of the Ministry of Social Affairs adopted pursuant to Convention No. 127 on maximum weight ratified by Tunisia in 1970 makes the maximum weight of loads which can be carried by women substantially lower than that for men and dependent on age and means of transport employed.

In addition, article 75 of the Labour Code provides that "the premises of enterprises of any kind in which merchandise and various goods are offered to the public by female staff must be provided, in each room, with a number of seats equal to the number of women employed there".

(b) Protection of morals

585. Article 373 of the Code requires heads of agricultural enterprises to ensure the maintenance of morality and public decency in all the areas, whether or not enclosed, in which women work.

Under Decree No. 68-328 of 22 October 1968 establishing the general hygienic rules applicable to all enterprises subject to the Labour Code, the sanitary installations of enterprises employing both male and female staff must be separate.

586. Protection of apprentices

Article 347 of the Labour Code prohibits the provision of lodgings to young minor apprentices by a master who is unmarried, widowed, divorced or physically separated.

(c) Prohibition of night work by women

587. The Tunisian legislation with respect to night work by women, which is broadly based on International Labour Convention No. 89 on night work by women, ratified by Tunisia in 1957, is based on the principle of the prohibition of night work by women, while providing for certain derogations from that principle.

588. Principle of prohibition

Article 66 of the Labour Code provides that "women must not be employed at night, during a period of at least 12 consecutive hours which must include the time between 10 p.m. and 6 a.m."

589. Derogations from that principle

Articles 68 and 71 of the Labour Code provided for the following derogations to the principle of the prohibition of night work by women:

- Force majeure;
- When the work is with raw materials or materials being processed which would be subject to very rapid change, where it is necessary in order to protect those materials from unavoidable damage;
- Women occupying managerial posts or technical posts entailing responsibility;
- Women engaged in social services who do not normally carry out manual work;
- When, in especially serious circumstances, the national interest so requires, the prohibition of night work for women may be suspended by decree.

590. It should be noted that Tunisia has just ratified by Act No. 92-114 of 30 November 1992 the Protocol of 1990 to International Labour Convention No. 89.

That protocol introduces other possibilities of night work for women.

2. Protection of working women as mothers (pregnant women)

591. Tunisian legislation includes provisions intended to protect pregnant or nursing women in the case of certain difficult work or dangerous products.

592. Difficult work

Article 3 of the Ministry of Social Affairs Decree of 5 May 1988 cited above prohibits the assignment of women to manual carrying during a medically verified pregnancy.

593. Dangerous products

Decree No. 86-433 of 28 March 1986 concerning protection against ionizing radiation provides in article 15 that "for women of child-bearing age, any exposure to radiation must be spread as uniformly as possible over time."

594. No pregnant woman may work under working conditions "A", that is to say, working conditions in which "the annual exposure to radioactivity under normal conditions might exceed three tenths of the equivalent dosage threshold" (article 32 of the Decree).

595. Article 20 of the same Decree prohibits the subjection of women of child-bearing age to exceptionally strong radioactivity.

RIGHTS OF WOMEN IN CONNECTION WITH CHILD-BEARING AND MATERNITY

1. Right to maternity leave:

596. The right to maternity leave varies under Tunisian legislation depending on whether the public or private sector is involved.

597. In the private sector, article 64 of the Labour Code provides for 30 days of maternity leave and permits the extension of that leave for two weeks at a time on presentation of medical certification provided that the total length of the leave does not, under article 20 of that Code, exceed 12 weeks.

598. In the public sector, the length of maternity leave has been fixed at two months with the possibility of extending it for a period not exceeding four months (article 48 of the general statute of public employees and article 47 of the general statute of employees of public enterprises).

Right specific to men

599. On the birth of a child, the father is entitled to a special leave of two working days as head of the family in order to enable him to have the birth of the child registered.

2. Right of women to pay or an allowance during maternity leave:

600. In the private sector, a wage-earning woman suspending work because of pregnancy or childbirth is entitled for a period specified by article 64 of the Labour Code (30 days) to a daily allowance called the "childbirth allowance" equal to two thirds of the average daily wage (new article 78, 79 and 82 of Act No. 60-30 of 14 December 1960 organizing the social security systems). Beyond that period, a woman certifying illness is entitled to a sickness allowance equal to the maternity allowance (new article 77 of Act No. 60-30 cited above).

601. The public service statute provides for protective measures for women. Thus, annual maternity leave is for a period of two months at full pay with the possibility of the addition of annual leave, and postnatal leave of four months at half pay at the request of the party concerned.

The period of maternity leave is regarded as a working period in the public sector and women consequently retain their rights to advancement, promotion and retirement.

3. Right of women to nursing rest

602. In the private sector, under article 64 of the Labour Code, women nursing a child are entitled for a year beginning with the date of birth to two half hour rest periods daily. One must be taken during morning working hours and the other in the afternoon, and they may be taken by the mother at times established by agreement between her and her employer.

603. These rest periods are regarded as working hours and entitled to remuneration.

604. Under article 64 cited above, the heads of enterprises employing at least 50 women are required to provide a special nursing room. The conditions the nursing room must meet are established by Decree No. 68-328 of 22 October 1968 establishing the general rules of hygiene for enterprises subject to the Labour Code.

605. For the public sector, Act No. 83-112 of 12 December 1983 establishing the general statute of State administrative employees of local public communities makes no provision for nursing rest but provides for postnatal leave.

606. It was therefore decided to restore the nursing session for women not entitled to postnatal leave in public service; a circular of 10 September 1992 provided for a nursing rest of one hour per work session for nursing mothers beginning with the end of maternity leave.

4. Right of women to child rearing leave

607. In the private sector, article 36 of the framework collective agreement signed on 20 March 1973 provides that the employer may, so far as the needs of service permit, grant any worker (of whatever sex) requesting it leave without pay for a period not to exceed 90 days per year. The same possibility is provided for by the sectoral collective agreements.

608. In the public sector, postnatal leave for women after the expiration of maternity leave is intended to enable them to rear their children.

Leave without pay is also provided for in the public sector.

5. Early retirement

609. In the private sector, Decree No. 74-499 of 27 April concerning old age, invalidity and survivors' insurance in the non-agricultural sector provides for the right of retirement irrespective of age with entitlement to a pension at the age of 50 for wage-earning women who are the mothers of at least three living children and have 180 months of valid coverage.

610. In the public sector, the right to a retirement pension is granted at the request of mothers with at least three children below the age of 20 or a severely handicapped child, with the approval of the Prime Minister.

The pension is payable immediately if the employee has completed 15 years of service (Act No. 85-12 of 5 March 1985, new article 5).

6. Right to retirement

611. With respect to the public sector, the right to retirement is generally granted to anyone of either sex who has reached the age of 60, has 30 years of employment in the public service, and has paid the invalidity, old age and death insurance premiums.

Cumulation of the retirement pensions of widows or widowers with those of their spouses was introduced by the act of 1985 cited above.

612. In the private sector, the retirement system is regulated by Decree No. 74-499 of 27 April 1974. It covers persons employed in the non-agricultural sector.

7. Part-time work

613. Among the other benefits to which women working in the public sector are entitled (on the same footing as men) is the system of part-time work established in the public service by Decree No. 85-839 of 17 June 1985 and in public enterprises by Decree No. 68-936 of 6 October 1986.

614. This system is rather advantageous to the employees, who receive half of their base pay. They are entitled to the full amount of family allowances and the same leave as full-time employees.

615. The contributions to the pension and social security systems deducted from the salaries of employees working part-time are based on the pay and allowances for full-time employment and the pension is paid as if the employee had worked full time.

616. In calculating the seniority required for advancement and promotion, the period during which employees worked part-time is assimilated to full-time employment.

8. Protection against dismissal

617. Under article 20 of the Labour Code, the suspension of work by women during the time preceding and following childbirth cannot be grounds for breach of the labour contract by the employer, under penalty of damages payable to the woman. The woman must however inform the employer of the reason for her absence.

618. In the case of absence by a woman for a period exceeding that established in article 64 of the Labour Code but less than 12 weeks, as a result of illness (medically certified) owing to pregnancy or childbirth and incapacitating the woman to resume work, the employer cannot dismiss the woman during this absence.

SUPERVISION OF THE IMPLEMENTATION OF THE LEGAL AND CONVENTIONAL PROVISIONS

619. Under article 170 of the Labour Code, labour inspectors ensure the implementation of the legal and conventional provisions and regulations governing labour relations in all the fields of economic activity governed by ordinary labour law.

620. Labour inspection physicians, working in liaison with the labour inspectors, ensure the implementation of the legislation relating to workplace sanitation and protection of the health of workers (articles 289 and 281 of the Labour Code).

621. Under article 178 of the Labour Coee, the police and national guard also continue to carry out their responsibilities with respect to investigating and putting an end to infractions of the labour legislation.

Supervision of the labour legislation is carried out through inspection visits.

622. In the public sector, supervision of the legislative provisions and regulations is carried out by the competent services of the Prime Ministry and the inspection services of the ministerial departments.

IMPROVEMENT OF THE SOCIAL AND EDUCATIONAL INFRASTRUCTURE FOR CHILDREN

623. In order to enable women to reconcile their public activities and the requirements of family life more fully and in the best conditions, the social services for child care should be improved considerably. Special impetus should perhaps be given to the expansion of the network of creches, kindergartens and school child-care facilities and to improving the training of the staff required for their proper operation.

624. Before independence, there were only a few preschool institutions, most of them French, which served only a tiny part of Tunisia's child population, or the "Koutabs" which are beginning classes in the Koran and Arabic.

625. Creches, kindergartens and children's clubs have been established to care for children below the age of 3, from 3 to 6 and from 6 to 14 and older respectively.

There are now more than 83 creches run by the Ministry of Youth and Childhood, but the need to establish others is becoming more and more evident and increasing the funds made available for these facilities has become a necessity. This has led the Government to take steps to improve the training of child guardians by drawing up appropriate programmes.

626. Kindergartens, which are regarded as preschool institutions, are intended for children of both sexes. Since 1966 the number of kindergartens has been multiplied about sixfold and the number of children in them more than fivefold.

627. The children's clubs are educational institutions open to children of both sexes aged 6 to 14. Their purpose is to promote the harmonious development of the children by stimulating their intellectual, physical, social and emotional potentialities.

628. In view of the importance of the activities carried out by women in the home and the number of tasks they now carry out in order to meet the steadily increasing needs of their families, it is necessary to make all members of the family aware of the need for a more equitable division of tasks and responsibilities between the sexes in the family.

XI. HEALTH

(Article 12)

"1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

629. The Tunisian State has, since independence, been interested in the health sector, in order to assure its citizens of a healthy life, and has devoted considerable human and material resources to that sector. This interest has been directed essentially towards strengthening preventive care, the regulation of births, the consolidation of health care in the hospitals and increased efforts in the field of training.

HEALTH POLICIES AND STRATEGIES

630. Aware of the state of inferiority in which women lived and the impediment this constituted for the development of the country, the decision makers, as soon as independence was achieved, began to work for their emancipation and advancement. The Personal Status Code promulgated on 13 August 1956 initiated a global policy for the advancement of women and, consequently, the improvement of their health.

631. Special attention was given to the health of women of child-bearing age and children, and in 1956 a policy of maternal and child protection was initiated.

632. In 1957, a section for the training of certified midwives for the maternity clinics of the Maternity and Child Protection (MCP) Centres was established within the National School of Public Health.

633. A first pilot maternal and child protection centre was build in 1959.

A central maternal and child protection service was then created within the Ministry of Public Health.

634. The first development plan (1962-1964) provided for the construction of 148 MCP Centres and a capacity of 200 maternity beds.

635. During the second plan (1965-1968) prevention was made an important component of health care and women and children were targeted more directly.

636. Structures for the care of mothers and children were built (there were 89 MCP Centres throughout the territory of Tunisia in 1966), maternal assistance was given to needy mothers and health education (sanitation, feeding, etc) was given to families.

637. A Family Planning Programme was begun in 1964, for an experimental period of two years (1964-1965) in 12 MCP Centres.

638. It was directed at first by the Family Planning service within the Ministry of Health and then by the National Institute for Family Planning and Maternal Health.

639. The purpose of the programme was to bring demographic growth under control in order to ensure the harmonious development of the family and consequently of society.

640. In 1973, the National Office of Family Planning and Population was established. It is responsible for the implementation of the programme.

641. In 1974, Decree 74-62 established the Central Population Council and a regional population council for each governorate.

642. A team was set up in each region for education, the promotion and coordination of educational activities, training and follow-up for the Family Planning Programme.

643. Tunisia signed the Alma Ata Declaration of 1978 and, beginning with 1981, established a policy of basic health care as the best means of achieving the main goal of "health for all by the year 2000".

644. This policy is aimed at:

- Providing citizens with integrated overall health services meeting their immediate needs;

- Bringing these services to the population of the outlying regions of the country through the decentralization of health care and the construction of local hospitals and basic health care centres in the most distant areas;

- Spreading health education throughout every level of the population;

- Promoting maternal and child health including the planning of births;

- Strengthening the prevention and treatment of illness-causing vectors by:

  - The promotion of good nutrition;

  - The provision of drinking water;

  - Basic sanitation;

- Vaccination against the main infectious diseases;

- The treatment of current illnesses and infections;

- The prevention and control of local endemic diseases;

- The provision of essential medicines by the basic health centres.

645. A basic health care division was established within the Ministry of Public Health and regional basic health care services are gradually being established within the regional health directorates and have, over the years, grown in number to one per governorate.

646. The 1980s were also marked by the enlargement, beginning with 1984, of the scope of the National Office of Family Planning and Population through a new "family" approach which is intended to promote human welfare through family balance and well-being. It became the "National Family and Population Office (NFPO)", under the direction of the Ministry of the Family and the Advancement of Women on 6 August 1984, then returned to the direction of the Ministry of Public Health in January 1987.

647. The purpose of the NFPO is inter alia to:

- Promote the family, maintain its balance and guarantee its welfare;

- Provide citizens with the necessary means of information, education and action within the public and private hospital and sanitation structures;

- Undertake continuous actions to inform and educate the population at the family, school, vocational and association levels.

648. In order to provide better overall care, the family planning centres have since 1986 incorporated pre- and postnatal consultations into their activities.

649. Towards the end of the 1980s, it became evident that in spite of all the efforts made, what had been accomplished was not enough to meet all the needs of women in Tunisia.

650. Measures were then taken in the Basic Health Care Service and the National Family and Population Office to correct the situation:

- A Mother and Child Health Unit was established in 1987 in the Basic Health Care Service in order to enlarge its scope and to provide better coordination of the health of the mother-child couple;

- A National Perinatality Programme intended to reduce maternal and perinatal mortality and morbidity was planned beginning with 1987 and launched in 1990;

- The National Family and Population Office in 1988 launched a programme of "Rural Family Health" to meet the inadequately satisfied needs of the rural population;

- A Family Health-Population Project was developed by the Ministry of Public Health (Basic Health Care Services and the National Family and Population Office) in cooperation with the World Bank, intended to promote basic health care in general and maternal and child health in particular.

651. The Project's strategy is based essentially on the integration of the activities of birth planning and maternal and child health into the health structures as well as their expansion to so far unserved areas. It will concentrate its human and material resources in the less favoured regions in order to reduce the intra and interregional disparities which characterize the present health system.

LEGISLATIVE AND ADMINISTRATIVE MEASURES

652. This policy of promoting women's health is reflected in legislative and administrative measures having a direct or indirect effect on the advancement of women in their role as mothers and therefore on demography.

653. Tunisian legislation gives women the same right to health as men.

654. The preamble to the Tunisian Constitution provides:

> "that the republican system constitutes ... the most effective means for ensuring the protection of the family and the right of citizens to work, health and education."

655. The first article of Act No. 91-63 of 29 July 1991 provides that:

> "Everyone has the right to health protection in the best possible conditions."

656. Article 34 of the same Act provides that:

> "The public health facilities shall be open to all persons whose health requires their services. The care of persons hospitalized or examined in outpatient clinics shall be provided on either a paid or unpaid basis."

657. It should be noted that the consent of the husband is not required for a married woman to receive medical care or family planning services except in the case of female sterilization.

658. Article 35 of the Act cited above deals with the principle of free care of indigents in public health facilities:

"Every indigent Tunisian, his spouse and the children he is legally responsible for shall be entitled to free medical care and hospitalization."

659. Article 16, paragraph 3, of Decree 81-793 of 9 June 1981 assigns the Basic Health Care Services the task of "ensuring the promotion of basic health care services in order to bring preventive and curative medicine to citizens."

660. Article 2 of Act No. 90-77 of August 1990 establishing the labour, health and safety institute provides that:

"The labour, health and safety institute shall act to promote health and safety in the workplace."

661. However, there are no measures protecting the reproductive life of women except in the case of exposure to X-rays or radiation.

662. Article 2, paragraph 3 of Act No. 84-70 of 6 August 1984 establishing the National Family and Population Office gives that Office the task of:

"Submitting legislative or regulative proposals to ensure harmonious development with respect to population and social and economic development so as to guarantee the welfare of the family and the advancement of its members."

663. Various provisions apply particularly to women, including:

- The Personal Status Code promulgated on 13 August 1956;
- The Act of 9 January 1961 authorizing the import of contraceptives and anti-conception publicity;
- The Decree-Law of 20 February 1966 limiting the age of marriage to 17 for girls;
- Act No. 65-24 of 1 July 1965, which provides that:

"Abortion shall be authorized when it is performed in the first three months of pregnancy and the spouses have at least five living children. It may also be carried out when the health of the mother may be endangered by continuation of the pregnancy. Abortion ... may only be carried out in a hospital or authorized clinic by a doctor legally exercising his profession."

664. Decree-Law No. 73-2 of 26 September 1976 authorizes abortion within the first three months of pregnancy but no longer requires a minimum of five living children. Abortion for medical reasons continues to be authorized without time restrictions.

It should be noted that abortion is free when it takes place in a public facility and is not covered by either medical insurance or social insurance when it is performed in a private institution.

665. Act No. 83-112 of 12 December 1983 establishing the general status of State employees of local government and public administrative organs provides in article 48 that: "female officials shall be entitled on presentation of a medical certificate to maternity leave at full pay for a period of two months which may be followed by rest leave.

"At the end of the maternity leave a postnatal leave of four months at half pay to enable the mother to care for her children may be granted at the mother's request. These leaves are granted directly by the chief administrator."

666. Article 64, paragraph (b) of the Labour Code provides that: "a special nursing room must be made available in any enterprise employing at least 50 women."

667. A circular of 10 September 1992, referring to the speech by the head of State of 13 August of that year, grants nursing mothers employed in the public sector, whatever their administrative status, a rest period of one hour per work session at the beginning or end of the work session for six months from the end of the maternity leave.

668. The Tunisian legislator has also enacted laws to protect women against violence:

669. Article 218 of the Criminal Code (as amended by Act No. 64-34 of 27 July 1964) provides that: "anyone who deliberately causes wounds or assaults or commits any other act of violence not falling within the scope of article 319 shall be punishable by imprisonment for one year and a fine of 100 dinars.

"If the perpetrator is a descendant of the victim, the penalty shall be imprisonment for five years."

670. Article 224 provides that: "anyone who habitually mistreats a child or helpless person of either sex placed under his authority or supervision shall be punishable by imprisonment for five years and a fine, without prejudice to the application of the more serious penalties provided for acts of violence where appropriate."

"Habitual deprivation of food or care shall be regarded as mistreatment within the meaning of the preceding paragraph."

671. Article 225 (as amended by Decree of 17 February 1936) provides that: "anyone who, by clumsiness, incompetence, carelessness, inattention, negligence or failure to observe regulations causes the corporal wounding of another or is the involuntary cause thereof shall be punishable by imprisonment for one year and a fine ...".

WOMEN IN THE HEALTH SECTOR

672. The Tunisian Constitution gives women the right to work and to associate freely on the same footing as men.

673. (1) For a number of years now women have occupied high administrative and political posts in the health sector:

- A woman doctor became Dean of the Faculty of Medicine of Sousse in 1976 and of Monastir in 1980;

- A woman was appointed Director-General of the National Office of Family Planning in 1980;

- A woman doctor was appointed Minister of Public Health from 1983 to 1988;

- A woman doctor was appointed Secretary of State for Social Affairs in 1989, then Secretary of State to the Prime Minister for Women and the Family in 1992;

- A woman doctor was President of the UNFT from 1989 to 1992, then Secretary of State for Social Affairs in 1992;

- A woman doctor was appointed Director-General in the Ministry of Social Affairs in 1992;

- A woman was appointed Assistant Director-General of the National Office for Family and Population.

(2) A woman doctor was appointed Permanent Representative of Tunisia to the specialized agencies of the United Nations, then Project Director at WHO.

674. (3) Women in the health sector head or are members of non-governmental organizations such as:

- The Association of Midwives, whose officers and members are exclusively women because of the exclusively female character of the profession;

- The Tunisian Family Planning Association numbers several women among its officers and members;

- The alliance of women of the medical and social professions. Established in 1984, this association is connected with UNFT. Its officers and members are exclusively women.

676. (4) Three women are directors in the central administration and two women doctors are responsible for the planning and implementation of national programmes.

They consequently participate in decision-making at the departmental level.

Representatives of the Ministry of Public Health in 1991 took part in the work of the "Health" Commission and the Consultative Commission on "Women and Development" as part of the preparation of the Seventh Plan.

677. (5) In 1992 the public sector personnel attached to the Ministry of Public Health were distributed as follows:

	Total	Women	Percentage of women
Doctors	4 266	1 402	33
Surgeon Dentists	363	207	57
Pharmacists	312	196	63
Veterinarians and biologists	22	4	18
Paramedics	24 065	12 625	52
Inspectors	27	9	33
Engineers	186	16	9
Administrators	202	49	24
Others	11 866	4 689	40
Total	41 309	19 197	46

Also in 1992, 63 women (doctors, pharmacists, dentists and teaching hospital instructors) and 43 female administrators and technicians occupied operational posts in the Ministry of Public Health.

678. (6) In 1986, the total number of graduates of the Faculty of Medicine (resident students) was 432, of whom 135 were female (or 31 per cent of the total). In 1992 those numbers increased to 475 and 202 respectively, with the proportion of women 43 per cent.

The number of graduate senior technicians in 1986 was 456, 354 of them female (77.6 per cent).

In 1992, there were 499 graduates, 352 of them female (70.5 per cent).

There were 2,045 paramedics in 1986, 1,124 of them female (55 per cent). In 1992, the numbers were 701 and 404, for a female representation of 62.8 per cent.

It should be noted that the professions of midwife, nurse and obstetrical aide are exclusively female.

In 1992, the total number of paramedics and senior teaching technicians was 263, 39.5 per cent of them women.

679. (7) Two hundred seventy-three scholarships were awarded to health personnel (teachers, public health doctors, residents, senior technicians) in 1992, of whom 84 (or 31 per cent of the total) were female.

WOMEN AND HEALTH

1. Access to care

680. A considerable effort is being made to develop and improve the reception infrastructure and to make available to all citizens throughout the country the means to help and protect them.

681. The basic health care centres, the centres for family planning and education, the local hospitals, the outlying maternity clinics, constitute an infrastructure making it possible to provide all citizens, including Tunisian women, with preventive and curative services as well as health information and education.

682. Collection units and mobile clinics serve the hard to reach areas and bring preventive care and the birth planning services to the most distant areas.

683. In 1987, more than 90 per cent of the population had access to health facilities.

684. In 1986, the country had: 29 teaching hospital centres and specialized centres, 15 regional hospitals, 70 local hospitals, 35 private clinics, 1,200 health centres (of which there were only 453 in 1972) and 2,534 collection units.

685. In 1989 the Regional Centres for Family Education and Planning (CREPF) and the family planning centres and clinics directly attached to the National Office for Family Planning numbered 48, there were 11 mobile clinics and 63 mobile family planning teams.

686. In 1991, these facilities amounted to the following: 29 main hospitals with teaching functions, 25 regional hospitals, 99 local hospitals, 8 multipurpose dispensaries, 1,572 basic health care centres (including 97 MCW), 130 local maternity clinics (99 of them in the local hospitals, up from 53 in 1972) and 2,235 collection units (some collection units having been replaced by health centres in order to meet more important needs of the population).

687. The facilities of the private sector are also employed to bring health services to the population.

688. The number of medical officers increased from 103 in 1972 to 1,567 in 1989, and the number of pharmacies from 242 to 968 over the same period, while there were 35 private hospitals in 1989.

689. In 1991, 70 per cent of the basic health care centres provided family planning services and 74.4 per cent pre- and postnatal services.

690. The services were provided at least once in 86 per cent of the birth planning centres and 88 per cent of the pre- and postnatal supervision centres.

691. Two thousand nine hundred and seventy-nine doctors (2,979) served the Tunisian population in 1985, or 1 doctor for 2,438 inhabitants. In 1991 that ratio dropped to 1 for each 1,827 inhabitants with a total of 4,500 doctors.

692. The ratio of midwives per 10,000 WCBA (woman of child-bearing age) was 4.9 in 1985 with a total of 862 midwives. It increased to 8.3 in 1991 (with a total of 1,502 midwives, not counting the number of teachers). However, there are wide regional disparities.

693. The number of paramedics increased from 17,775 in 1985 to 23,883 in 1991, i.e., from a ratio of 1 paramedic for 409 inhabitants in 1985 to 1 paramedic for 344 inhabitants in 1991.

694. In 1990, the ratio of gynaecologists per 10,000 WCBA was 1.25 and that of maternity beds (at all levels) per 10,000 WCBA was 13.7.

695. The national effort to develop the health infrastructure has undoubtedly contributed to a reduction in the disparities between regions with respect to basic health care centre coverage. However, the health system remains characterized by a greater concentration of human resources and specialized facilities in the coastal cities and the large agglomerations, with a disparity in the distribution and quality of services as a corollary.

696. In order to reduce these deficiencies, the strategy of the family health and population project (1992-1996) is directed towards providing human and material resources for the least favoured regions and areas.

697. Measures are being taken to establish a better balance in the distribution of staff:

- Priority recruitment of doctors, midwives and paramedics in the least favoured zones.

- Targeting of disadvantaged zones in the orientation of candidates for the "midwife" network (orientation bonus).

2. Use of services

698. As figures for the ambulatory services are compiled globally, it is difficult to estimate separately the use by women of general consultations. However, it is clear that women make greater use than men of the health facilities, in view of the greater number of services directed specifically to them (pre- and postnatal supervision, birth planning, and maternity and gynaecological services).

699. In 1991, the activities of the basic health care and family planning centres were distributed as follows:

- Medical consultations = 7,693,133

- Family planning consultations = 1,322,429

- Prenatal consultations = 571,687

- Postnatal consultations = 86,378

This amounted to a total of specific consultations for women (not including gynaecological consultations) of 1,980,494, representing 20 per cent of the total number of ambulatory consultations in the basic health and family planning centres (women of child-bearing age represented 22 per cent of the general population and married women of reproductive age 13 per cent in 1989).

700. Other indicators show that the use of services by young girls and boys (age 0 to 5) is about equal:

- The use of consultations for diarrhoea showed no significant difference, with 44.9 per cent for boys and 43.8 per cent for girls (Assessment of the national antidiarrhoeic programme, PN.LAD 1988).

- Immunization coverage for the six diseases targeted in the expanded immunization programme (EIP) was above 90 per cent whatever the sex and environment (National Survey of Immunization Coverage 1991).

701. With respect to women of child-bearing age, the use of specific services in this age group was as follows:

At least one prenatal consultation, 67 per cent in 1988 (National Neonatal Tetanus Survey). It was higher in urban areas (83 per cent) than in rural areas (53 per cent).

The average number of follow-up consultations per woman, which is higher in urban areas (3.6) than in rural areas (2.6), is only 3.1 at the national level.

In 1984-1985 only 54 per cent of the mothers consulted a doctor at least once during their pregnancy (71 per cent in urban areas, 37 per cent in rural area) (National Survey of Child Mortality and Morbidity). Fifteen per cent of the mothers had had four examinations or more (24 per cent urban, 6 per cent rural). In 1989, coverage by at least one consultation amounted to 72 per cent and the proportion of women with four or more consultations was 28 per cent (Use of Prenatal Consultation, CPRN 1989).

Coverage by assisted delivery was 71 per cent in 1989 (85.5 per cent urban, 59 per cent rural).

In 1984-1985, only 56 per cent of deliveries were assisted (77 per cent in urban areas and 33 per cent in rural areas). In 1982, the rate was 76 per cent for the entire country (source: National Statistical Institute (NSI).

The use of postnatal consultations was low for the country as a whole; only 39 per cent of the mothers had such consultations in 1989 (46 per cent urban; 32 per cent rural).

The prevalence of contraception by modern and natural methods was 49 per cent in 1988 (Demographic Health Survey, DHS); it was much higher in urban areas (60.5 per cent) than in rural areas (34.5 per cent); in 1983, prevalence amounted to only 41 per cent (49.6 per cent urban; 28.9 per cent rural) (Tunisian Contraceptive Use Survey).

702. The use of pre- and postnatal supervision, assisted delivery and the planning of births remains insufficient, particularly in rural areas. This is due essentially to:

- The lack of human resources in rural areas,
- Reduced geographic accessibility in the rural areas;
- Certain cultural barriers (refusal to be examined by male personnel, the desire to be surrounded by the family during childbirth, the rejection of contraception for religious reasons or fear of complications);
- Lack of information concerning pre- and post-natal supervision.

Measures have already been taken to remedy these inadequacies:

- Priority recruitment of medical and paramedical staff in the interior regions of the country and the less favoured areas;
- Intraregional redeployment of existing staff;
- Greater access to care by the rural population through health centres, collection centres, mobile clinics and outlying maternity centres;
- Informing and educating the population.

703. These measures have been reinforced within the framework of the National Perinatality Programme and the Family and Population Health Project, which are directed particularly towards the extension of coverage by the family planning and maternal and child health services to the areas not so far served.

3. Access to health information and education

704. Health information and education have developed rapidly in recent years.

705. A directorate within the NFPO and a subdirectorate of the DSSB have been given responsibility for the preparation and dissemination of information and education concerning the various health areas.

706. Other institutions are also participating actively in this programme: the National Institute of Nutrition and Food Technology, the National Institute for the Promotion of the Handicapped, etc.

707. Messages are addressed, in large part through the mass media (at least 75 per cent of households have television and 90 per cent have a radio), to the population as a whole and targeted particularly towards women and mothers of families.

708. Other media (folders, brochures, flip charts, posters, logos, etc.) are used at various levels to transmit information to the population either directly or through intermediaries (medical, paramedical and social staff, agricultural monitors, rural promoters, students and educated family members, etc.).

709. The Ministry of Education and Science, which is in charge of educating a large part of the younger generation, has already integrated the study of population questions and education for family life (conception and methods of planning for births) into the secondary education programme.

710. Women are particularly involved in education for health and family life in the sense that, in addition to the information reaching them through the media, messages are transmitted to them directly as individuals or during group education meetings during the many contacts they have with the health facilities (pre- and postnatal consultation, birth planning and preventive or curative consultations for children).

711. Messages sent concern child health (nutrition, immunization, and diarrhoeic and respiratory diseases) but also pregnancy, parturition and post-parturition and, more intensively, birth planning, for which counselling sessions are scheduled for every candidate, so that, once informed of the various contraceptive methods available, their advantages and disadvantages, she may decide freely and responsibly on the adoption of a contraceptive method and the nature of that method.

712. Information in this area is also transmitted directly to the most distant rural areas in the framework of the collection centres, mobile clinics, "triangular caravans" or home visits, by the medical, paramedical and social staff and NGO volunteers.

713. In 1987, 99 per cent of the women of child-bearing age, whatever their age group, background or region, knew at least one method of contraception.

714. Since 1988, the information has been directed increasingly towards men, because of their role as parents and consequently as persons equally responsible for choosing the size of the family and the means to achieve it, and also because of the resistance they sometimes offer to the adoption of a contraceptive method by the woman.

4. Nutrition

715. In 1988, 15 per cent of children aged 3 to 36 months suffered from some degree of malnutrition and 3 per cent from moderate or severe malnutrition. The latter was more frequent in male children 3 to 11 months old living in urban areas, where breast-feeding was declining.

716. On the other hand, the milder form of malnutrition was more common in female children 12 to 23 months old living in rural areas.

717. Moderate or severe chronic malnutrition affects 18.2 per cent of children from 3 to 36 months. It is more prevalent in rural areas (24.6 per cent as compared with 11.8 per cent in urban areas) and among girls (19.2 per cent as compared with 17.3 per cent among boys).

718. Mild chronic malnutrition (26.5 per cent) affects the two sexes equally, but is more frequent in rural areas.

719. Overnourishment affects 13.8 per cent of children from 3 to 36 months (10 per cent for the mild form and 3.8 per cent for the moderate and severe forms). It is more prevalent in urban areas (15.5 per cent as compared with 13 per cent in rural areas) and among girls (14.7 per cent as compared with 12.8 per cent among boys).

720. A "Nutritional Survey" in 1985 showed that anaemia affected about 45 per cent of pregnant women.

721. A more recent study carried out in 1987-1988 in a suburban area of Tunis (Mellassine) and in the delegation of Mahdia (urban area) among pregnant women showed that the overall prevalence of anaemia was from 26 to 27 per cent.

722. The prevalence of anaemia therefore seems to have declined since 1975 but it nevertheless continues to affect more than one pregnant woman out of four.

723. Important steps have been taken since the 1970s under the sponsorship of the National Institute for Nutrition and Food Technology and the National Childhood Institute to improve the nutrition status of the whole population with special attention to children as well as pregnant and nursing women. These measures consist essentially of:

- Informing and educating the population;
- Establishing nutritional education units in most of the MCW centres;
- The assignment of certified nutritionists to hospitals and health centres;
- The promotion of nursing;
- The nutritional education of families in the health centres and by rural promoters during home visits;

- The daily dissemination by radio of messages concerning nutritional educational for the general public and mothers of families.

724. More recently (since 1990), a uniform programme of supervision of the growth of children under six was instituted in the field in order to:

- Ensure the harmonious growth and balanced nutrition of children below the age of six;

- Early detection and treatment of all forms of malnutrition.

725. Moreover, anaemia in pregnant women is among the risk factors for which a standard treatment has been recommended within the framework of the National Perinatality Programme. The approach, which had already included providing pregnant and nursing women with an iron supplement as a preventive measure, has been strengthened within the framework of this programme. Moreover, the "baby-friendly hospital" programme advocated by UNICEF was adopted by Tunisia in 1992 with the aim of greater promotion of breast-feeding.

WOMEN AND AIDS

726. In 1992, there were a total of 380 AIDS cases in Tunisia, one third of them AIDS and two thirds HIV positives. Seventy-five per cent of the cases are among men (a sex ratio of 2.8).

At present the most important risk factors are:

- Intravenous drug use by Tunisians living abroad, particularly in Western Europe.

- Heterosexuality among infected Tunisian men in Tunisia.

727. This latter was responsible for two thirds of the indigenous cases (themselves representing 30 per cent of the total).

728. For the last three years, an increase in this risk factor has been noted, especially among women (wives or partners of HIV positives, prostitutes).

This has resulted in an increase in mother-child transmission (at present eight children are HIV positive).

729. Tunisian legislation to protect against AIDS (Act No. 92/71 of 27 July 1992 concerning sexually transmitted diseases) applies equally to both sexes and to all ages.

730. A pilot survey of the prevalence of HIV among pregnant women carried out in cooperation with WHO in 1992 over a six-month period showed that that population was uninfected (zero prevalence).

731. Accordingly, the present situation does not justify specific measures for women and children, especially since increased efforts are being made to provide the entire population with information on:

- The means of transmission including mother-child transmission;
- The higher risk of infection among women;
- The higher risk of infection among prostitutes;
- The need for protection during sexual acts for all at-risk relationships.

Health education networks have been established through:

- Paramedical and teaching staff (made up in part of women);
- Social workers and the National Union of Tunisian Women (made up entirely of women) have been trained to disseminate information on AIDS, in rural as well as urban areas.

732. Medical treatment is provided for all AIDS patients without discrimination as to sex.

6. Ageing and handicapped women

733. They enjoy free care and hospitalization in the health facilities administered by the Ministry of Public Health.

HEALTH INDICATORS

1. Infant mortality and morbidity (0-1)

(a) Rate of infant mortality

734. Estimated at 152.5 per 1,000 in 1966, infant mortality was reduced to 51.6 per 1,000 in 1984-1985 and to 41.8 per 1,000 in 1991. It is higher in rural areas (68.5 per 1,000) than in urban areas (32.2 per 1,000).

735. Male mortality seemed to have increased in 1991 (1.2 as compared with 1.09 in 1966 and 1.08 in 1984).

	1966	1984-1985	1991
Masculine	159.7	53.4	45.8
Feminine	145.2	49.2	37.7
Total	152.5	51.6	41.8
Source	INS	EMMI	INS

Infant mortality (per 1,000 NV) rates and trend.

(b) Causes of infant mortality (maternal mortality survey, EMM 84-85)

736. Infectious diseases are responsible for nearly half the deaths during the first year of life (43.5 per cent).

737. Perinatal disorders (neonatal infection, neonatal neurological disease, respiratory disease) is involved in one out of five (19.7 per cent).

738. Congenital deformations are responsible for one twentieth of the deaths (5.2 per cent).

739. Infectious diseases are more often involved in rural areas and among girls. Perinatal disorders are the cause of a larger number of deaths among boys.

740. For both sexes and in both rural and urban areas the first cause of death remains diarrhoea, followed by acute respiratory infection.

(c) Infant morbidity

741. The ranking of causes is reversed when it comes to morbidity in the first year of life, where respiratory infection occupies first place regardless of sex in both urban and rural areas.

742. Infectious diseases of all kinds represent 72 per cent of morbidity in this age group.

2. Child (1-4 years) and infant-child (0-4) mortality and morbidity

(a) Rate of infant mortality (1-4 years)

743. Child mortality is decreasing sharply. It fell from 22 per 1,000 in 1966 to 4 per 1,000 in 1984 and 2.8 per 1,000 in 1991. This age group is also characterized by a slight excess mortality among males.

	1966	1984	1991
Male	21.39	4.01	2.8
Female	22.63	3.98	2.7
Total	22.01	3.99	2.8
Source	NIS		

Child mortality per 1,000 (1-4 years), levels and trends.

(b) Cases of infant-child mortality (0.4 years)

744. In 1988, a study of mortality and morbidity from acute respiratory infection (ARI) in children below the age of five in a suburban area of the capital showed that:

- 72 per cent of the deaths of children aged 0-4 years were related to an infectious disease, 12 per cent to a perinatal illness and 4 per cent to traffic accidents;

- Diarrhoea held first place among the causes of these deaths. Acute dehydration alone was found in one fifth of the children who had died. It was associated with ARI in one death out of eight;

- ARI was the cause of death in one out of six cases;

- Associated malnutrition aggravated the risk of death in both these pathologies.

(c) Infant-child morbidity

745. It is dominated by acute respiratory infection and diarrhoea, with acute respiratory infection coming at the head of the list. It is the cause of 60-70 per cent of the consultations of children below the age of six in the health centres.

3. Mortality and morbidity of women

(a) Crude death rates

746. Between 1966 and 1991, crude death rates showed a considerable decline for both sexes.

	1966	1984	1991
Male	15.5	7.3	7.0
Female	14.4	5.9	5.5
Total	15.0	6.5	6.2
Source	NSI		

Crude death rate (per 1,000).

(b) Death rates for women of child-bearing age (15-49)

747. There is a marked decline in mortality in the 15-49 year age group, which is more pronounced among females.

	1966	1989
Female	4.6	1.3
Male	4.3	1.7
Source	NSI	

Mortality rate for 15-49 year age group (per 1,000).

(c) Main causes of morbidity and mortality in women

748. In 1991, the main causes of hospitalization for all ages and sexes (D.E.P.) were, in decreasing order: digestive illnesses (10 per cent), diseases of respiratory system (8.6 per cent) and diseases of the circulatory system (5.3 per cent).

749. For females of all ages, respiratory illnesses constituted the first cause of hospitalization, followed by cardiovascular illnesses and digestive illnesses.

750. Illnesses of the nervous system, the respiratory system and the circulatory system constituted the three main causes of hospital deaths.

4. Maternal mortality

751. The rate of maternal mortality is unknown at the national level. Partial hospital studies show rates varying between 49 and 160 per 100,000 live births depending on the facilities and the dates of the studies.

752. In 1991, 35 deaths of mothers were recorded for 149,665 live births in all the country's maternity clinics.

753. That figure reflects only deaths in the maternity clinics and does not take into account those occurring elsewhere (resuscitation services, infectious disease services, at home, etc.).

754. According to estimates by epidemiologists, the national rate is 50 to 70 per 100,000 live births.

755. The studies referred to show that 70 to 85 per cent of the maternal deaths are for obstetrical reasons.

756. Haemorrhage comes at the head of the list, followed by eclampsia or infection, depending on the date and places.

757. The indirect obstetrical causes are essentially viral hepatitis (9 to 13 per cent) and cardiopathologies (4 to 6 per cent).

758. A national study of the rates, causes and determining factors of maternal mortality is in progress (DSSB).

DEMOGRAPHIC INDICATORS

1. Crude birth rates

759. Estimated at 45.6 per 1,000 in 1966, the crude birth rate fell to 32.6 per 1,000 in 1984, 31.0 per 1,000 in 1988 and 25.2 per 1,000 in 1991.

	1966	1984	1991
Female	45.6	32.1	24.5
Male	45.6	33.0	25.9
Total	45.6	32.6	25.2

Crude birth rate by sex (per 1,000), source NSI.

2. Life expectancy at birth

760. The considerable decline in infant mortality since the 1960s has made possible an increase in life expectancy of 18.5 years for women and 16.8 for men.

	1966	1984	1991
Female	51.55	68.49	70.2
Male	50.55	66.31	67.4
Total	51.05	67.41	68.8

Life expectancy in years, source NSI.

3. Total fertility rate

761. The total fertility rate index, which was 7.2 in 1966, declined to 4.67 in 1984, then to 4.35 in 1986 and finally to 3.45 in 1991.

	1966	1984	1986	1991
Total fertility rate	7.2	4.67	4.35	3.45

Development of total fertility rate.

Source: The Population of Tunisia 1992.

4 Use of contraception

762. There has been a marked increase in the use of contraception in recent years. In 1988, one out of two married women practised a method of contraception.

763. However, the disparities between the use of contraception among urban women (60.5 per cent) and rural women (34.6 per cent) remain considerable.

Variables	D.R.C.P.	E.D.S.
	1983	1988
1. METHODS:		
(a) Modern methods:	34.2	40.4
Pill	5.3	8.8
I.U.D.	13.2	17.0
L.T.	12.5	11.5
Condom	1.3	1.3
Douche	0.4	0.8
Other scientific methods	1.5	1.0
(b) Natural methods	6.9	9.4
Periodic continence	4.4	6.3
Withdrawal	2.4	
Other	0.7	
2. BACKGROUND		
Urban	49.6	60.5
Rural	28.9	34.6
3. LEVEL OF EDUCATION		
None	35.58	42.3
Primary	48.2	56.8
Secondary	67.8	66.5

D.R.C.P.: Development of contraceptive use rate (in percentage) according to methods, background and level of education.

Source: The Population of Tunisia 1992.

764. The continuing efforts made in the successive economic and social development plans to promote the health of the individual in general and of women in particular, reaffirmed and reinforced by the decisions of the Seventh Plan (1987-1991) have made it possible to achieve very encouraging demographic and health indicators which place our country in the first rank of developing countries.

765. However, these efforts, although considerable, have not met all the needs of the population. For that reason, the guidelines of the Seventh Plan are intended to further reduce inter- and intraregional disparities and to meet the so far inadequately met needs of some elements of the population, while continuing to work towards improvement of the quality of the services for the country as a whole.

XII. WOMEN IN ECONOMIC AND SOCIAL LIFE

(Article 13)

"States parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life."

THE RIGHT OF WOMEN TO ALL FORMS OF CREDIT

766. Women in Tunisia, including married women, may obtain credit, mortgages and all other forms of credit on the same footing as men. There is no legal provision depriving women of these economic benefits.

767. As the right of women to dispose freely of their property is established by law (Personal Status Code, article 24), they may obtain credit without the consent of their husbands.

THE RIGHT OF WOMEN TO SOCIAL BENEFITS

768. There is a variety of legislation on social security in Tunisia.

769. The public sector system is administered by the National Retirement and Social Security Fund while the private sector is administered by the National Social Security Fund.

770. The social insurance network (sickness, maternity, accident and death insurance) extends to nearly all employed persons and their beneficiaries, whatever their social or professional status.

771. Covered women enjoy all the benefits of social security on the same basis as men except that they may not accumulate certain benefits such as family allowances which are granted only once to a household.

772. With that exception, women covered by social security have a right to all social benefits.

773. Their rights are also transferrable in case of death to family members including children.

774. In addition, covered women have certain specific rights arising from their status, specifically, maternity leave or the maternity allowance and the right to early retirement for women who have raised children.

775. Apart from the rights arising from their own activity, women, whether economically active or at home, have rights as beneficiaries of ensured spouses, including the right to health care benefits, death benefits and pension entitlements.

776. The social security benefits to which women are entitled on the same basis as men are the following:

1. Sickness and maternity insurance

777. This insurance takes two forms:

- Cash benefits to replace the income lost because of interruption of work owing to sickness or parturition, these benefits taking the form of maintenance of part of the employee's remuneration in the case of the public sector or payments made by the National Social Security Fund to the insured in the private sector;

- Benefits in kind, i.e., health care benefits in various forms; reimbursement of the costs of care paid by the insured, issuance of a care card entitling the beneficiary to services in the polyclinics, care in the polyclinics of the National Social Security Fund or direct assumption of certain major costs provided in public or private establishments (cardio-vascular surgery, kidney transplants, lithotripsy, tomodensitometry, haemodialysis, etc.).

2. Workplace accident and vocational disease insurance

778. Coverage of work accident risks was among the first forms of social security to appear in Tunisia, as it goes back to 1921.

779. It is also the most extensive, as it covers all wage-earning workers in the public and private sectors, both agricultural and non-agricultural, as well as other segments of the population, such as apprentices, technical education students, workers in national and regional work sites and persons under detention.

780. Independent workers may also insure themselves against work accidents voluntarily.

781. The system of compensation for work accidents and vocational diseases includes a series of benefits depending on the condition of the victim: reimbursement or assumption of the cost of care, payment of daily compensation

throughout the temporary compensation period, payment of a life annuity in case of permanent incapacitation or to the beneficiaries in case of death, the provision of equipment and prosthesis made necessary by the infirmity.

3. Old age, invalidity and death insurance (survivor's insurance)

782. The systems of old age, invalidity and survivor's pensions constitute a means of protecting workers against the risk inherent in the loss of income entailed by old age, incapacity to work or death.

783. All the various pension systems are based on the following basic rules:

- Guarantee of an old age pension to all workers meeting the conditions of age (normally 60 years, with the possibility of reduction to 50 years) and minimum length of contribution (5 to 15 years depending on the sectors involved);

- Granting of an invalidity pension to insured persons who have lost their capacity to work before the age of retirement because of a permanent infirmity;

- Granting of a beneficiaries' pension to the surviving spouse and dependant minor children of an employed or retired worker; the widows and orphans pension may amount to 100 per cent of the pension the deceased worker received or would have received;

- Calculation of the pensions on the basis of the income prior to the cessation of activity and the length of the contributing period but with a minimum pension corresponding to the subsistence minimum, with half or two thirds of the minimum wage guaranteed depending on the circumstances;

- The establishment of a system of pension adjustment depending on the movement of the cost of living and the level of income.

4. Death benefit

784. In addition to a guarantee of a replacement income for the beneficiaries of the insured deceased, the beneficiaries are entitled to a lump sum payment enabling the family to meet the needs arising from the loss of the head of the family.

785. The amount of the lump sum payment varies depending on the insured person's income, the length of his period of contribution and his age at the time of death; it is granted at the full rate if the death occurred before retirement age (the equivalent of a maximum of 30 months pay with increases for dependant children) and at a rate which decreases as the age of the insured person increases.

786. The death benefit system now covers employees of the public and parapublic sector, wage earners of the non-agricultural private sector and non-agricultural self-employed.

5. Family benefits

787. The term family benefits refers essentially to family allowances and the premium for single income families.

788. At present family benefits are paid to employees of the public and parapublic sector and wage earners of the non-agricultural private sector. Wage earners employed by structured agricultural enterprises enjoy a system of family allowances. The family benefits constitute a redistributed indirect wage varying in accordance with the family responsibilities of the insured person.

789. As part of the policy of family planning, measures intended to encourage the limitation of births have been introduced, including limitation of the number of children for whom benefits are paid to four - a measure which went into effect for the private sector in 1961 and for the public sector in 1965. The number was reduced to three in 1989, and a decrease in the allowance for successive children introduced beginning with 1976. The family benefits are paid directly by the employer organization in the public and parapublic sector and by the National Social Security Fund in the private sector.

PROMOTION OF THE LIVING CONDITIONS OF RECIPIENTS OF SOCIAL SECURITY

790. Social security activities in Tunisia are not limited to the traditional fields defined by law but extend also to the promotion of the living conditions of recipients of social security and the development of a system of national solidarity in favour of the disadvantaged sectors of the population. These activities, which benefit women equally with men, essentially involve the following fields:

1. Aid for housing

791. The housing problems the country has experienced led the social security funds, beginning in the mid-1970s to launch a broad programme for the construction of public rental housing. The Society for the Promotion of Public Housing (SPROLS) was established for that purpose in 1977, with the financial participation of the National Social Security Fund and the Old Age, Invalidity and Survivors' Insurance Fund. More than 10,000 housing units have been constructed within the framework of the programme, at a cost of 190 million dinars, funded entirely by the Social Security Funds.

792. In 1989, in order to meet the aspirations of recipients of social security to access to property, a decision was taken to sell a large part of the housing built by the Funds to its occupants on very favourable terms - a down payment of a maximum of 10 per cent and amortization over 20 years at a rate of interest of 5 per cent annually.

793. At the same time, and for the same purpose, the social security Funds developed a system of housing loans: the loans may be given for up to 10,000 dinars with repayment over 20 years and an annual interest rate of 8.25 per cent. That rate is considerably below the market rate.

2. Aid to the handicapped

794. The activity of the social security Funds in this field has taken several forms:

- Paying for appliances and prosthesis for the recipients of social security and their beneficiaries;
- Sharing in the funding of centres and associations for the retraining of the handicapped;
- Payment by the National Social Security Fund of an operating subsidy to the Centre for Orthopaedic Appliances;
- Financing by the social security Funds of a programme of prevention, detection and assistance to the handicapped.

795. The programme, which is administered by the Ministry of Public Health and therefore benefits the population as a whole, essentially involves providing maternity clinics with up-to-date equipment, the establishment of centres for the rehabilitation of the handicapped and the purchase of spectacles and hearing aids for schoolchildren.

3. Contribution to the programmes for prevention of vocational risks

796. This contribution is represented by the subsidy granted the Institute of Health and Social Security by the National Social Security Fund to finance the projects for the prevention of vocational hazards and the improvement of working conditions (Decree No. 91-1936 of 16 December 1991).

4. Contribution to the development of the health services

797. In addition to the expenditures of the social security Funds for the health protection of its insurees and their beneficiaries, a specific programme for the strengthening of public health facilities has been implemented since 1990 in order to provide health facilities and public hospitals with the equipment needed and thus improve the benefits to citizens.

5. Assistance to promotion of employment

798. The direct contribution of social security in this field involves payment of the insurance contributions of young people entering the labour market through training-employment contracts and entry-level work courses.

ADVANCEMENT OF THE HANDICAPPED

799. Tunisia adheres completely to the international principles of "full participation" of the handicapped in economic and social life and "equality of opportunity for all citizens" without discrimination of any kind.

800. The measures taken by Tunisia whether on the legislative level or with respect to strategies and programmes for the handicapped faithfully reflect the principles enunciated in the various declarations and resolutions adopted within the United Nations system in this field and follow the guidelines of the programme of world action for the handicapped.

801. Tunisia's policy in this field is directed towards the following main goals:

- To combat handicaps without distinction as to sex:

Preventive programmes were developed in Tunisia much earlier than those relating to the readaptation of the handicapped.

For humanitarian and economic reasons - i.e., to prevent the suffering of individuals and their families and to reduce the heavy financial burden to the community resulting from support of the handicapped - the public authorities have devoted great attention to the prevention of handicaps.

802. Two levels of prevention are involved:

- Primary: to reduce the risk of accidents and illnesses causing defects, invalidity or handicaps;

- Secondary: to reduce the negative effects of such invalidity, defects or handicaps or arrest their development through early detection and appropriate support.

803. In order to give male or female handicapped persons the possibility of living as normal a life as possible:

- The handicapped should live with their families and fulfil themselves within their communities, whatever their age or the nature or severity of the handicap. The family and the community should support the efforts of the handicapped to overcome the effects of the handicap in a normal social environment;

- Handicapped children and young people should, so far as their capacities permit, attend non-specialized schools and vocational training institutions, with the technical, psychological and teaching support required where necessary;

- The handicapped should lead a normal vocational life and have an equal opportunity to be integrated into the ordinary work environment in conditions of equality of treatment with other employees;

- The handicapped should have access to all services, institutions and cultural and recreational places and have available the facilities required for travel and an independent life.

A number of measures have been taken in Tunisia both through legislation and the implementation of programmes in order to meet this goal.

804. To provide the handicapped of both sexes, including those with severe or multiple handicaps considerably reducing their independence and intellectual and physical capabilities, with the conditions for a decent life, by means, inter alia, of specific allowances ensuring them of minimum subsistence.

ANTI-POVERTY MEASURES

805. An anti-poverty strategy has been implemented with the double objective of devoting greater attention to deprived families or individuals without family support and integrating those able to work into the productive process by helping them gain access to a source of income.

806. A range of specific aid programmes has been developed to provide assistance in cash or kind, temporary or permanent, to needy families caring for aged or handicapped people. The largest of these programmes is the National Programme of Aid to Needy Families (PNAFN), which was established in 1986 as a companion measure to the Programme of Structural Adjustment of the National Economy. Its purpose was to alleviate the negative effects economic reform might have on the purchasing power of those families.

807. The programme has undergone considerable development, first of all in the level of the aid provided. This has multiplied sixfold in seven years as a result of continuous revisions owing to the changes in basic commodity prices.

808. Since the abandonment of the collectivist experiment, social and economic integration of disadvantaged persons and families has been regarded as the most effective method of combating poverty and guaranteeing a source of income.

809. The first productive family programme, which was launched in 1977, benefited 33,124 families.

810. A new experiment is in progress, in the light of past experience. It involves 223 single parent families headed by a woman.

811. The income and anti-poverty policy adopted by Tunisia has had the effect of reducing the number of persons living below the poverty threshold. These represented only 6.7 per cent of the population in 1990 as compared with 33 per cent in 1967.

PARTICIPATION OF WOMEN IN LEISURE AND CULTURAL ACTIVITIES

812. Women in Tunisia may participate fully in recreational activities, sports and various aspects of cultural life.

813. Women active in national cultural life made their appearance under colonialism and within a society traditionally reluctant to accept any form of development of women.

814. But it is from 1956, the date of independence and of the promulgation of the Personal Status Code, that women, encouraged by the State, found the conditions to make their way in cultural life and to gain access to all leisure activities, in spite of the prejudices and traditions which regarded women's field of action as confined to the home.

1. Cultural activities

(a) Music and singing

815. The pioneers were those women, at once courted and despised, indeed rejected by a society which regarded music and singing as an entertainment entailing dishonour. For a number of year, however, that point of view has been changing and it is now considered that together with scholastic and university studies musical training is desirable and appreciated (inscription of students in the National Conservatory of Music and Dance) and students, who now play in orchestras (such as the Tunisian symphony orchestra) are even encouraged to enter the Higher Institute of Music. An orchestra, "El Azifet" directed by a woman and made up of women has been created.

816. As regards singing, there are a large number of female singers in Tunisia today, who are regarded as stars.

(b) Dance

817. The classical dance has always attracted the female population because of its standing in Europe. Folk dancing has not enjoyed the same prestige. Since the establishment of the National Folk Arts Troupe in the 1960s, progress has been made. There is now a folk dance section in the National Conservatory of Music. However, enrolment has not reached the level of specialization and is still limited to the beginning level. Perhaps, with the establishment of the National Dance Centre and the inauguration of the Tunisian National Ballet, the status of the dance will change.

818. Young dance companies, particularly modern dance companies have been formed. This field, which was initially regarded as feminine, has also been taken up by some men and there are dance groups made up of men and women (Contemporary Dance Workshop, etc.).

(c) Literature

819. Beginning in 1956, a growing awareness led some young women to write in order to denounce the social situation and to describe the colonialist era. Whether they write short stories, novels, poetry or essays, Tunisian women writers now play a large part in the literary life of our country.

820. A large part of their work is in the novel and the short story. From about 1956 to 1992 about 100 works by women were published. These works were distributed as follows: from 1956 to 1986 48 titles, and from 1986 to 1992 52 titles. These figures are significant because they show the development of a body of feminine work but also imply that the reserve shown by some editors with regard to the work of women is being overcome.

821. It should be added that the cultural pages of newspapers and reviews have always been open to women writers. Another index of the participation of women in cultural life is the establishment by a committee of women of the "Bchira Ben MRAD" literary prize. Established in 1988, this prize is given to women who have written works promoting and defending the rights of women. It should also be pointed out that there are women on the executive board of the Union of Writers.

(d) Theatre

822. The theatre is one of the cultural fields in which women have most distinguished themselves as they are the very model of the ideal presence of women in cultural life. They are persevering (some have worked in the theatre for 30 and 35 years), and their productions are excellent, characterized by the high level of their professionalism, culture, aesthetic sense and generosity.

823. Relying in the beginning on calling alone, they have acquired solid training. They are as involved as men in training and advanced training courses and openness to new forms of theatre.

(e) Film

824. In addition to their presence as actresses or producers, women have also written scenarios. Three scenarios were in fact written by women in 1992. The necessary support has been given them and they are making good use of it.

(f) Plastic arts

825. Although the number of artists is limited, the best galleries are managed by women. Thus, women have begun to invest in a field hitherto reserved for men. It should also be pointed out that the Union of Fine Artists is headed by a woman.

2. Female sport

(a) Historical survey

826. Female sport in Tunisia had a difficult beginning because of the prejudice connected with the practice of sports by girls. The first female sports team (basketball) appeared in 1947 as part of the "Zitouna Sport" sports association established in 1927 by the students of the central mosque of Tunisia.

827. In 1948 Muslim Tunisian women took part in athletic contests in the school sports associations. The first female basketball tournament was held in the city of Hammam-lif.

828. It was not until 1955 that women athletes made their appearance in community clubs.

829. In 1956, thanks to the adoption of the Personal Status Code and the establishment of a Secretariat of State for youth and sports, female sports were given a new impetus.

830. Increased school enrolment of girls and the establishment of the national sports institute encouraged access by girls to different sports. The training of physical education teachers made better organization of sports possible.

831. It was not until the last two decades that female sports developed somewhat: new female clubs for basketball, handball, volleyball, etc. appeared.

832. The development of female sports makes it possible for female teams to participate increasingly in regional, national and international competitions.

(b) Teaching of physical education

833. Physical education is an activity necessary for the physical and mental development, the well being and the health of children. It also contributes to their integration and socialization.

834. A considerable part of the population attends schools. The teaching of physical education is regarded as an independent discipline in its own right. That is why it has become more and more necessary to expand it. With the reform of education and the establishment of the basic school, physical and sports education has been expanded at the basic and secondary school level.

835. In spite of this expansion, physical education for women faces obstacles such as the resistance of some conservative parents. This is illustrated by a survey carried out by doctors in the secondary schools, which showed that more girls requested exemption from sports than boys, and that the exemption rate was higher in the second secondary cycle.

836. In spite of these obstacles, the number of women teaching physical education has increased, although it remains unsatisfactory compared with the number of men.

Years	Primary			Secondary		
	Male	Female	Total	Male	Female	Total
1988-1989	670	136	806	1 698	445	2 143
1989-1990	675	146	812	2 014	518	2 532
1990-1991	631	141	772	2 151	341	2 682
1991-1992	684	160	844	2 256	590	2 846

Source: Ministry of Youth and Childhood (MJS).

(c) School and university sport

837. The Ministry of Youth and Childhood has made great efforts to induce the young of both sexes in primary and secondary schools and universities to practise sports permanently.

838. The number of young people who really take up sports in the framework of school of university sports associations remains too low.

839. To promote school sports, the Ministry of Youth and Childhood, in close cooperation with the Ministry of Education and Science, established centres for the promotion of school sports in the primary schools beginning with the 1988-1989 school year.

Sector	1991-1992 sports season	
School sports	Girls enrolled	
	A. Individual sports	7 346
	B. Team sports	9 341
	TOTAL	16 687
Community sports	Girls enrolled	
	A. Individual sports	2 575
	B. Team sports	2 905
	TOTAL	5 480

Source: MYC.

(d) Women and community sports

840. In spite of the efforts of the public authorities, the number of women graduates who practice a sport in community sports clubs and associations remains too low because sports must have adequate financial support.

841. That is why, as a result of the efforts of the general commission for of sports and for the first time in the history of Tunisian sports, clubs with women's divisions were entitled in 1992 to a substantial subsidy (an allocation of 208,000 Tunisian dinars).

842. Results followed quickly. From 4,701 in 1991, the number of participants in women's sports rose to 5,478 in 1992, while the number of clubs for individual sports increased from 5 to 12 and the number of women participants increased from 173 to 318.

XIII. RURAL WOMEN

(Article 14)

"1. States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

SPECIAL PROGRAMMES FOR RURAL WOMEN

843. Aware of the importance of the advancement of rural women in order to achieve the goals of economic and social development, Tunisia has unceasingly undertaken and refined measures and programmes of action to improve the living conditions of women in rural areas and bring them the benefits of development activities on an equal basis with men.

844. Several projects with a specific component addressed to the advancement of rural women have also been initiated and are being implemented within a framework of international cooperation.

All these activities involve the launching of specific social and economic programmes:

1. The rural development programme (RDP)

845. This programme is an anti-poverty measure. It has given a number of women access to a source of income.

846. The RDP has partially solved the problem of loss of schooling by rural girls by creating opportunities for social and economic employment.

847. This result was achieved because attendance at the training centres attached to the programme does not require any level of schooling or special qualification and therefore is particularly suited to the needs of young rural women without schooling.

848. The training given young rural women in the framework of the RDP is largely in dressmaking and carpet weaving. It has enabled a large number of workers to receive help to establish themselves independently or to obtain supplementary income by working at home and selling the product of their work on the market.

2. The integrated regional development programme (IRDP)

849. This programme was launched in 1984 in order to give greater impetus to the rural and regional effort. It is focused chiefly on the north-west, the centre and the south and reinforces the achievements of the rural development programme during the 1972-1984 decade.

850. The projects carried out under it have made it possible to improve living conditions in the rural areas. The fields chiefly affected are:

- Water supply (digging of surface wells and equipment of artesian wells);
- Restoration of irrigation networks;
- Planting of fruit trees;
- The development of fishing;
- The development of small trades;
- The improvement of local roads and electricity and drinking water and rural drinking water supply.

3. The productive family

851. This programme, which was launched in the mid-1970s in a number of pilot regions, took on national scope beginning in 1982. Although it is focused much more on the family, in the broader sense of the term, than on women as individual job-seekers, the productive family programme involves, for more than 65 per cent of the projects identified, the handicrafts sector, including dressmaking and embroidery, which are essentially female activities.

852. This programme has also made it possible to introduce women to family planning methods and to the basic principles of nutrition and family health.

4. The integrated rural development of the north-west

853. The fourth phase of the project made it possible to establish within the Office for North-West Forest and Pasturage Development a female extension service to implement a programme directed towards rural women in six micro-zones and involving the following activities:

- The improvement of water supply;
- Small-scale stock breeding, rabbit breeding and bee keeping;
- The development of kitchen gardens;
- Milk collection and processing;
- Fruit and vegetable canning.

5. Stock raising and integrated development in the mountainous zones of the Governorship of Bizerte (EDIMO)

854. This project has made it possible to create new jobs and improve the income of rural women in the case of about 2,000 households through the following activities:

- Animal production (goat and poultry breeding);
- Water storage tank construction;
- The development of handicrafts;
- The development of kitchen gardens.

6. Assistance for the training of women in the Jendouba recycling and advanced training centre

855. The project made it possible to organize recycling courses for rural women working in the irrigated areas of Jendouba.

856. The study carried out in three villages associated with the project and covering 30 families made it possible to work out recycling themes meeting the real needs of rural women doing agricultural work in the irrigated areas of the region.

7. Development of small and medium-sized farms in the Kef and Siliana Governorates

857. The second phase of the project provided for an "advancement and participation of rural women" component.

A total of 680 supervised loans was made to women heads of farms in the Kef and Siliana Governorates (486 and 195 respectively).

8. Integrated development of the lower Oued Mellègue basin

858. The project includes an "advancement of rural women" component and envisages providing 1,400 rural women with financial support for a total of about 0.6 million TD to cover the following activities:

- Construction and equipment of four handicraft centres (540 girls);
- Purchase of seeds and plants for the kitchen gardens;
- Provision of 50 water storage tanks for 500 families;
- Supply of 600 gas stoves for 600 families.

9 Development of the Sidi M'hedheb plateau

859. The project includes a promotion of female participation component with the help of the Ministry of Agriculture and a Tunisian non-governmental organization.

This component involves 720 families for a total cost of 0.9 million TD.

The activities envisaged within the framework of the project are the following:

- Creation of 700 poultry-breeding units;
- Creation of 240 rabbit-breeding units;

- Creation of 150 bee-keeping units;

- Provision of fishing equipment for 300 women;

- Installation of 700 agricultural products processing and canning units.

RATE OF INFANT MORTALITY IN RURAL AS COMPARED WITH URBAN AREAS

860. The rate of infant mortality in rural areas is 68.5 per 1,000 as compared with 32.2 per 1,000 in urban areas.

ACCESS OF RURAL WOMEN TO SOCIAL SECURITY

861. Under Act No. 81-6 of 12 February 1981 organizing social security in the agricultural sector, women in rural areas working in agriculture are entitled to social security on the same footing as men, including free care for themselves, their spouses and their dependent children, as well as sickness, childbirth and death benefits.

HEALTH SERVICES IN RURAL AREAS

862. Tunisia has always worked to improve the reception infrastructure and to make available to all citizens throughout the country the means to obtain needed medical and health services. However, the health care system remains characterized by a greater concentration of human resources and specialized facilities in the coastal cities and large agglomerations, which has given rise to a disparity in the distribution and quality of services.

863. To alleviate this imbalance collection centres and mobile clinics have been set up to serve the most remote populations.

864. The promotion of family health in rural areas is a permanent concern of the Government. Thus, it has carried out, through the present National Family and Population Office, intensive educational activity intended to promote the health of women and children in rural areas by integrating the notion of family planning with other health activities, particularly vaccination. In order to bring family planning and health services to inaccessible and impoverished areas, multidisciplinary caravans have been organized.

SCHOOL ATTENDANCE IN RURAL AND URBAN AREAS

865. The structure of the 6-29 year old population by age, sex and urban/rural environment according to school attendance and cycle in urban and rural areas is as follows:

Structure in per cent of population aged 6-29 by age, sex and urban/rural environment according to school attendance and cycle

Rural areas

Age	Structure in per cent					Structure in per cent attending school			
	Not attending	Primary	Secondary	Higher	Total	Primary	Secondary	Higher	Total
6-9 years									
Male	19.7	80.3	-	-	100.0	100.0	-	-	100.0
Female	32.0	68.0	-	-	100.0	100.0	-	-	100.0
Total	25.7	74.3	-	-	100.0	100.0	-	-	100.0
10-14 years									
Male	18.4	68.7	12.8	-	100.0	84.3	15.7	-	100.0
Female	44.4	47.8	7.8	-	100.0	86.0	14.0	-	100.0
Total	31.2	58.5	10.4	-	100.0	84.9	15.1	-	100.0
15-19 years									
Male	57.4	4.5	37.7	0.3	100.0	10.5	88.7	0.8	100.0
Female	82.8	1.9	15.2	0.1	100.0	11.1	88.3	0.7	100.0
Total	70.0	3.2	26.6	0.2	100.0	10.7	88.5	0.8	100.0
20-24 years									
Male	85.4	-	10.4	4.2	100.0	-	71.4	28.6	100.0
Female	96.1	-	3.1	0.7	100.0	-	80.7	19.3	100.0
Total	90.7	-	6.8	2.5	100.0	-	73.4	26.6	100.0
25-29 years									
Male	97.8	-	0.8	1.4	100.0	-	37.5	62.5	100.0
Female	99.3	-	0.3	0.3	100.0	-	50.0	50.0	100.0
Total	98.6	-	0.6	0.9	100.0	-	40.6	59.4	100.0
General total									
Male	49.2	36.5	13.3	1.0	100.0	71.8	26.2	2.0	100.0
Female	66.8	27.1	5.8	0.2	100.0	81.8	17.6	0.6	100.0
Total	57.9	31.9	9.6	0.6	100.0	75.7	22.8	1.4	100.0

Source: Population/employment survey 1989.

Structure in per cent of population aged 6-29 by age, sex and urban/rural environment according to school attendance and cycle

Urban areas

Age	Structure in per cent					Structure in per cent attending school			
	Not attending	Primary	Secondary	Higher	Total	Primary	Secondary	Higher	Total
6-9 years									
Male	12.8	87.2	-	-	100.0	100.0	-	-	100.0
Female	12.8	87.2	-	-	100.0	100.0	-	-	100.0
Total	12.8	87.2	-	-	100.0	100.0	-	-	100.0
10-14 years									
Male	8.8	69.3	22.0	-	100.0	75.9	24.1	-	100.0
Female	11.9	65.7	22.4	-	100.0	74.5	25.5	-	100.0
Total	10.3	67.5	22.2	-	100.0	75.3	24.7	-	100.0
15-19 years									
Male	42.1	3.3	53.8	0.9	100.0	5.7	92.94	1.5	100.0
Female	48.0	2.7	48.5	0.8	100.0	5.1	93.4	1.5	100.0
Total	45.0	3.0	51.2	0.8	100.0	5.4	93	1.5	100.0
20-24 years									
Male	74.2	-	16.1	9.7	100.0	-	62.4	37.6	100.0
Female	81.0	-	12.2	6.8	100.0	-	64.4	35.6	100.0
Total	77.5	-	14.2	8.3	100.0	-	63.2	36.8	100.0
25-29 years									
Male	94.6	-	1.1	4.4	100.0	0	20.0	80.0	100.0
Female	97.1	-	0.9	2.0	100.0	-	29.5	70.5	100.0
Total	95.8	-	1.0	3.2	100.0	-	23.3	76.7	100.0
					100.0				
General total									
Male	44.5	33.2	19.4	2.9	100.0	59.9	34.9	5.2	100.0
					100.0				
Female	48.7	31.9	17.5	1.9	100.0	62.2	34.1	3.7	100.0
Total	46.6	32.6	18.4	2.4	100.0	61.0	34.5	4.5	100.0

Source: Population/employment survey 1989.

ILLITERATE WOMEN IN RURAL AREAS

866. In urban areas, the rate of illiteracy is 27.7 per cent (19.1 per cent for men and 36.6 per cent for women) as compared with 51.7 per cent in rural areas (37.6 per cent for men and 66.1 per cent for women).

867. The disparity between the literacy rates for men and women is even greater in rural areas. The illiteracy rates by sex and background for the first four age groups are as follows:

	Urban		Rural	
Age Group	M	F	M	F
10-14 years	1.9	3.4	5.6	25.2
15-19 years	2.4	7.6	9.3	42.5
20-24 years	4.0	15.5	18.8	62.8
25-29 years	5.4	19.6	22.1	65.2

Source: Population/employment survey 1989.

868. The rate of illiteracy among rural girls remains high and is markedly higher than that of urban girls. In the 10-14 year age group, it amounts to 25.2 per cent in rural areas as against only 3.4 per cent in urban areas.

THE ROLE OF WOMEN IN RURAL AREAS

869. Women in rural areas contribute effectively and substantially to the promotion of the agricultural sector, the diversification of the sources of family income and the maintenance of farms when the spouse is engaged in other activities. They usually do all the household work.

870. As wage earners, they are used particularly in the irrigated areas for harvesting, fruit picking, hoeing and crop maintenance. Their strength in that category does not exceed 4 per cent, although they represent 35 per cent of the occasional labour force. Female work in the agricultural sector represents about 30 per cent of all agricultural work.

871. As farm owners, their number has increased both quantitatively and proportionately from 10,000 farm owners out of a total of 375,000 farms in 1984 to 15,000 farm owners out of a total of 387,000 farms in 1990.

872. In 1992, 12 women agricultural technicians received parcels of land to operate as owners.

873. There are also 75 women promoters of integrated agricultural projects in which 4,230 million dinars have been invested.

874. In addition, the Federation of Women Cultivators, which is a part of the Tunisian Agricultural and Fishing Union (UTAP) and includes women farm owners, contributes to the consolidation of the gains of women farm owners and to giving them a more dynamic role in Tunisian society.

875. It should also be pointed out that for the first time in the history of independent Tunisia, the President of the Republic on 12 May 1992 awarded a woman farm owner the Agricultural Merit badge on the occasion of the commemoration of the nationalization of agricultural land (12 May 1964).

EXTENSION SERVICES SPECIFICALLY DIRECTED TOWARDS WOMEN

876. Agricultural extension courses constitute a key tool for the improvement of agricultural production.

877. The Ministry of Agriculture, considering it necessary to reorganize the agricultural extension service, in 1991 established the Agricultural Training and Extension Agency, within which a women's extension service was envisaged in order to meet the urgent need to define a national approach to extension services for women. Such an approach would meet the specific needs of women engaged in agriculture, taking into account regional factors and the specific social, cultural, economic and technical characteristics of the various target groups, namely, women farm owners, the wives and daughters of cultivators and female agricultural workers.

878. In addition, workshops have been planned on agricultural extension directed towards rural women, in cooperation with international organizations.

879. The following are examples of some projects relating to agricultural extension for rural women:

1. Workshop on agricultural extension for rural women

880. The workshop, which was organized jointly by FAO and the Agricultural Training and Extension Agency (ATEA), was intended to:

- Define a national approach to an extension programme for women engaged in agriculture;
- Prepare a document setting out guidelines for a strategy and plan of action on extension services for the female agricultural population;
- Implement an extension programme taking into account the problems of women engaged in agriculture;
- Increase awareness by staff and decision makers of the problem of integrating women into agricultural development.

2. IBRD-FAO Agricultural Extension Project (1991-1996)

881. The project includes a women's agricultural extension component. It will involve two pilot zone and begin operation in the project's third year (1993).

882. The women's extension component will involve about 7,500 cultivators and rural women and its goals will be the design and implementation of an agricultural extension programme for rural women and consolidation of the training and role of women extension teachers.

883. The main activities planned are:

(a) The establishment of a women's extension unit within ATEA for follow up and evaluation of activities;

(b) The organization of surveys for analysis of the work of women in agricultural enterprises;

(c) The preparation of an appropriate strategy for women's extension services;

(d) To provide specific and supplementary training to agricultural workers, young women and families;

(e) To hold three seminars for the women's extension and leadership staff;

(f) To organize 1,000 information days for young rural women;

(g) To organize 300 training course days for women agricultural workers in rural areas.

THE GUIDELINES OF THE EIGHTH PLAN (1992-1996) AND IMPROVEMENT OF LIVING CONDITIONS IN THE RURAL ENVIRONMENT

1. Advancement of rural women

884. It is important to give due weight to the part played by women in agricultural and rural work in general, and, for that purpose, to work out an integrated policy enabling women to participate fully in the rural development process.

885. Side by side with actions for the general improvement of living conditions in rural areas, special attention will be given to programmes and projects for the advancement of rural women.

886. Women take an important part in agricultural work. They play a preponderant, indeed exclusive role in the development of certain activities (small-scale breeding, marsh cultivation) and contribute substantially to the financing of agriculture by their agricultural and non-agricultural income.

887. The Eighth Plan constitutes an important opportunity to give women all the attention they deserve. In this context it is planned to:

- Consolidate the vocational training of rural women and girls while adapting the content of the training programmes to the specific conditions of rural areas and the needs of rural women;

- Implement an agricultural extension programme for rural women through appropriate training at the regional level for women's extension teachers in order to reach a maximum of the target population;

- Consolidate and develop programmes and projects intended to promote the work of rural women in order to make possible increased income and improvement of the level of living of the rural population;

- Encourage and facilitate the access of rural women to agricultural credit in order to finance directly productive projects;

- To support and encourage the formation of women's associations and alliances in order to help them to manage their affairs, organize the marketing of their products and defend their common interests;

- Improve rural infrastructures, housing, roads, drinking water and electrification in order to lighten the tasks of rural women and ensure their welfare;

- Safeguard the cultural and traditional aspects of the rural environment by the establishment of leadership programmes through various information channels.

2. Rural drinking water

888. Supplying the rural population with drinking water continues to be an important component of rural advancement and priority is to be given in the course of the Eighth Plan to the preparation of a regional plan (by governorate) for supplying rural areas with drinking water by the year 2000 and the implementation of the national strategy for the promotion of common interest associations in order to ensure better community management of the water supply infrastructure.

889. The consolidation of the test drilling effort in the areas where water resources are not completely identified, particularly in the north; the development of collective distribution systems (stand posts), particularly in the zones characterized by widely scattered populations and the encouragement of private rain water cisterns for isolated and hard to reach settlements.

890. With respect to the supply of drinking water in rural areas, the Eighth Plan includes provisions for supplying 700 localities with a total of 400,000 inhabitants. Water supply coverage for the rural population should reach 80 per cent in 1996 as compared with 66 per cent at the end of the Seventh Plan.

891. In addition, plans for the provision of rural drinking water on the governorate level will be worked out on the basis of objective criteria for the choice of priority zones with a view to decreasing disparities and reaching total water supply coverage of rural areas by the year 2000.

3. The improvement of living conditions in the rural environment

892. The improvement of living conditions in the rural environment is an essential complement to the various concurrent actions for the development of agriculture.

893. In that context, roads constitute a basic component of rural development and the promotion of agriculture. Without access to markets and the maintenance and improvement of the means of access by cultivators, agricultural activity is reduced and handicapped.

894. With respect to rural electrification, in spite of the marked improvement of the overall electrification rate (47 per cent in 1991 as compared with 28 per cent at the beginning of the Eighth Plan), some regions are still behind. The Eighth Plan provides for the electrification of 100,000 housing units. The overall rate of electrification should reach more than 65 per cent by 1996.

895. Programme priority will normally be given to concentrated rural dwellings. But it is equally important to give attention to dispersed or hard to reach houses. From that point of view, increased use of renewable energy will be encouraged, particularly within the framework of the activities promoted by the Energy Use Agency.

896. Special attention will also be given to the electrification of agricultural enterprises. This will help accelerate the modernization of agriculture and rationalize the use of irrigation water.

XIV. EQUALITY BEFORE THE LAW

(Article 15)

"1. States parties shall accord to women equality with men before the law.

2. States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

Declaration by the Tunisian Government

Pursuant to the Vienna Convention on the Law of Treaties of 23 May 1969, the Government of the Tunisian Republic wishes to state that the provisions of article 15, paragraph 4, including those regarding the choice of residence and domicile by women are not to be interpreted as being contrary to the provisions of the Personal Status Code, including its articles 23 and 61.

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897. Tunisian women were regarded as minors and did not reach majority until two years after marriage, while men reached their majority at 18. Since independence, Tunisian legislation has established complete equality between the sexes and the age of majority is reached at 20.

TREATMENT OF WOMEN BY THE COURTS

898. Act No. 59-130 of 5 October 1959 establishing the code of civil and commercial procedure, and Act No. 68-23 of 24 July 1968, reorganizing the code of criminal procedure do not discriminate in any way with respect to women. All persons subject to justice are dealt with on the same basis by the Tunisian courts, whether they are men or women, in both civil and criminal matters.

THE RIGHT OF WOMEN TO LEGAL PERSONALITY AND TO BE SUED IN THEIR OWN NAME

899. Women, whether married or unmarried, can initiate a legal action only in their own name. They may likewise only be sued personally. A woman's father ceases to represent her before the law as soon as she reaches the age of civil majority, which is established at 20 by Tunisian law. Her husband may in no case represent her before the law whether she is minor or major unless she has signed a special authorization allowing him to do so. This is, however, in no way an infringement of the legal personality of women as a man may do the same with a male or female agent of his choice.

900. The draft reform seeks to strengthen the rights of women in this respect, in the sense that they will be regarded as having reached the age of majority by marriage if they are at least 17 years of age. This majority by marriage, which will also apply to a minor husband, will refer only to civil and commercial matters (including the right to bring suit) and not to political or administrative matters.

WOMEN LAWYERS

901. In Tunisia, women lawyers practice in the same conditions as their male colleagues; they have the same rights and obligations as male lawyers.

Of a total of 1,498 lawyers, 185 are women.

WOMEN AND JURY

902. Criminal procedure in Tunisia does not employ the jury system; minor offences are judged by a single magistrate (the district judge), offences are judged by three magistrates and crimes are judged by five magistrates.

In Tunisia, all magistrates are professional judges, without distinction as to sex.

Two hundred thirty six women exercise the profession, out of a total of 1,017 magistrates, and have the same working conditions as men.

TESTIMONY OF WOMEN

903. Pursuant to articles 92 et seq. of the code of civil and commercial procedure, and article 59 et seq of the code of criminal procedure, a judge may hear any person whose testimony he considers useful. There is no discrimination as to sex in this matter.

904. Article 4 of the code of civil status established by the Act of 1 August 1957 makes this clear by listing the conditions required for witnesses: no distinction is made between men and women with respect to testimony.

Accordingly, the testimony of women has the same weight as that of men in positive Tunisian law.

ACCESS OF WOMEN TO LEGAL SERVICES

905. Women justiciable in Tunisian courts have the same possibility of access to legal services and are subject to the same legal conditions as men. They may, provided they meet the conditions established in the Decree of 13 February 1922 concerning legal aid before the Tunisian courts, have the benefit of legal aid.

906. The first article of that Decree, as amended by Act No. 95/91 of 5 August 1959, provides that:

"Legal aid in civil matters may be given in the common law jurisdictions to any person or establishment having legal personality, whether plaintiff or defendant, in any proceedings and at any stage, including the execution of a judgement already rendered, on the two conditions that:

1. The plaintiff's indigence makes the exercise of his rights impossible;

2. The relevance of his claims has been established by a special commission attached to each court of first instance, which shall judge without appeal concerning the acceptance or rejection of the request. In case of denial a new request shall be admissible only after a period of six months from the date of the commission's ruling."

It is clear that no sexual discrimination is involved.

RIGHT OF WOMEN TO CONCLUDE CONTRACTS IN THEIR OWN NAME

907. Tunisian women may conclude in their own name any contracts, whatever their nature, purpose or cause, on any commercial, real estate or other matter. The code of obligations and contracts established by Beylical Decree of 15 December 1906 provides for no contractual incapacity by reason of sex. The commercial code and the real estate code likewise give women full power to conclude contracts in their own name.

RIGHT OF WOMEN TO DISPOSE OF THEIR PROPERTY

908. In Tunisian law unmarried women have a full right to administer their property without interference by a man, whether father, brother or other on the sole condition that the unmarried woman is not incompetent owing to her minority. The incompetence of a minor is not, however, limited to women. Under article 7 of the code of obligations and contracts and article 153 of the personal status code, no Tunisian reaches majority until the age of 20. Married women are free to dispose of their property; they may administer it without interference by their husbands and without requiring his consent, whether the property has been acquired during or before the marriage. Moreover, the Tunisian personal status code establishes the system of separation of property

between the spouses as the legal system. This system is inherited from Islamic law. However, pursuant to article 11 of the personal status code, the spouses may, by special agreement, choose another system of their choice.

909. Under Tunisian law there are no legal restrictions on the right of divorced or widowed women who have reached majority to administer their property.

RIGHT OF WOMEN TO BE EXECUTORS OF WILLS OR ADMINISTRATORS OF AN ESTATE

910. Nothing in Tunisian law prevents women from being administrators of an estate in the case of proceedings brought before the courts by claimants to an estate. However, executors of wills do not exist in Tunisia, as in Islamic, law.

LEGAL CAPACITY OF WOMEN

911. Any contract limiting the legal capacity of women is prohibited by law and legally null and void.

RIGHT OF WOMEN TO CHOOSE THEIR PLACE OF RESIDENCE

912. Unmarried women and widows are completely free to choose their place of residence. Neither tradition nor custom hinders the exercise of this right. However, a married woman must accompany her husband when he changes residence. She has no right to elect a domicile other than the conjugal domicile.

913. Tunisian jurisprudence justifies this restriction of the freedom of women by the provisions of article 23 of the Personal Status Code, in which the husband is considered the head of the family.

XV. MATRIMONIAL AND FAMILY LAW

(Article 16)

"1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women.

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children: in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The bethrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

Reservation concerning article 16, paragraph 1 (c, d, f, g and h)

The Government of the Tunisian Republic does not consider itself bound by paragraph 1 (c, d and f) of article 16 of this Convention.

It states further that the provisions of paragraph 1 (g and h) of this article should not interfere with the provisions of the Personal Status Code

with respect to the attribution of family names to children and the acquisition of property by succession.

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914. The Personal Status Code (PSC) has contributed decisively to the reinstatement of women's rights by establishing a new organization of the family, based on equality of rights between men and women and the moral status of the conjugal relationship within the family and society.

FAMILY RELATIONS

915. In Tunisia family relations are governed by the PSC established on 13 August 1956. This is a civil code of Islamic inspiration, which has chosen the provisions of the doctrine of different Islamic traditions while taking into consideration the need to reconcile respect for the Islamic religion with the imperatives of modern life.

THE HEAD OF THE FAMILY

916. Legally, it is still the husband who is the head of the family. "The wife should respect the prerogatives of the husband, as head of the family and, to that extent, owes him obedience" (art. 23, para. 3 of the PSC).

917. This inequality between the obligations of the wife and her husband derives from the concern of the legislator to preserve the unity and cohesion of the family.

918. The draft reform based on the speech delivered by the President of the Republic on 13 August 1992 keeps the husband as "head of the family" while eliminating the prerogatives deriving from that capacity and abolishing the terms "obedience" of the wife and "order" by the husband.

919. Socially, a large number of women, both rich and poor, exercise the actual management of their households.

PROHIBITION OF POLYGAMY

920. In Tunisia, the most important reform introduced by the Tunisian legislator was the abolition of polygamy, which has been prohibited since the entry into force of the PSC on 1 January 1957.

921. Article 18 of the PSC provides that: "polygamy shall be prohibited." Any married person who contracts another marriage before the dissolution of the preceding one is subject to imprisonment for one year and a fine or to only one of these penalties even if the marriage has not been contracted in conformity with law.

FREE CHOICE OF SPOUSE

922. Before the enactment of the PSC on 13 August 1956, a guardian could by virtue of the "right of jabr" compel his ward and his daughter to marry.

Since the entry into force of the PSC the consent of the women and the man has been mandatory, on penalty of nullification under articles 3 and 21 of the PSC. Tunisian women have the same right as men to choose a spouse. The consent of the guardian is required in addition in the case of both boys and girls under the age of legal majority, which is 20 under Tunisian law.

CONSENT TO MARRIAGE

923. Tunisian women, whether adult or minor, marry only with their free and full consent, as the consent of the spouses is a condition for the completion of the marriage contract under article 3 of the PSC. That consent must exist, must be untainted by physical or verbal coercion or error and must be serious. Four situations exist under Tunisian law involving the consent of the woman alone.

924. (1) If the woman is over the age of 20, her consent alone is sufficient to contract marriage. Neither the consent of the father nor of the family is required.

925. (2) If the woman is between 17 and 20 years of age, only the consent of the father is required in addition to her personal consent. That is a condition not of the completion of the marriage contract but of its validity. It is motivated by concern for the interests of the minor woman. Article 6 of the PSC provides that:

"The marriage of a man and a woman who have not reached the age of legal majority shall be subject to the consent of their guardian. If the guardian refuses consent and the two future spouses persist in their intention, the matter shall be submitted to a magistrate."

926. (3) If the woman is between 13 and 17 years of age her consent to the marriage requires judicial ratification. Article 5 of the PSC provides that: "below that age (17 for women and 20 for men) a marriage may be contracted only by special authorization of a magistrate, which shall be granted only for serious reasons and in the rightly understood interests of the two future spouses."

927. If the woman is below the age of thirteen, she can in no case contract marriage because, since the marriage contract is regarded as a civil contract, it is considered null and void if one of the contracting parties is below the age of 13. Under article 156 of the PSC a child under the age of 13 is regarded as without discernment and all its actions are null and void.

AGE OF MARRIAGE FOR MEN AND WOMEN

928. In Tunisian law, the age of marriage is 20 for men and 17 for women (art. 5 of the PSC). Below that age, the marriage can be contracted only by virtue of a special authorization by the magistrate which is granted only in the rightly understood interests of the two future spouses.

929. The provisions of that article are enforced in two ways:

- The civil registry officer or the notaries shall refrain from drawing up the marriage contract if one or both of the future spouses does not fulfil the condition of age and does not submit the judicial authorization required by law.

  It is obligatory for the act of marriage to include the date and place of birth of each of the future spouses (art. 32 of the code of civil status).

930. If the future spouses marry without visiting the registry official in order to evade his supervision, the union is regarded as having been contracted outside the law and the two spouses are subject to a penalty of three months imprisonment.

If criminal proceedings are initiated they are to be ruled on by a single judgement dealing with the infraction and the nullification of the marriage.

931. Spouses whose marriage has been declared null and void and who continue or resume conjugal life are subject to a penalty of six months in prison.

Article 53 of the criminal code is not applicable to these infractions (art. 36 of the code of civil status).

932. The marriage of children is not usual in the various regions of Tunisia, as such a marriage is not recognized by law and entails judicial prosecution.

933. The same penalties are incurred by anyone who, having contracted marriage outside the forms provided for by Act No. 57-3 of 1 August 1957 regulating civil status, enters into a new marriage and continues conjugal life with his first spouse.

934. The same penalties are incurred by a spouse who knowingly contracts marriage with a person to whom the provisions of the two preceding paragraphs apply.

935. Article 53 of the criminal code concerning the consideration of extenuating circumstances is not applicable to the infractions referred to in this article.

936. The effect of the penal sanction incurred has been such that polygamy no longer exists in Tunisia. The few actual cases are quickly discovered and severely punished by the courts.

ENGAGEMENT

937. Engagement is regarded by the first article of the PSC as a simple promise of marriage and accordingly "does not constitute marriage and the judge cannot impose its execution on the parties." This is because in Tunisian law engagement does not have any obligatory contractual character, thus preserving the principle of the freedom of marriage. However, the abusive breaking of an engagement gives rise to a right to punitive damages based on the general theory of responsibility for wrongful acts.

The second article of the PSC provides that "the fiancé has a right to the restitution of gifts made to his fiancée except in the case of breach of his promise or a contrary stipulation."

938. The draft reform inspired by the presidential speech of 13 August 1992 will restore complete equality between the fiancés in both the text and the spirit of the law. To that end, draft article 1 of the new code speaks of "each of the fiancés".

DOWRY

939. In conformity with Islamic law, article 3 of the PSC lists "the stipulation of a dowry for the woman" among the conditions for the preparation of the marriage contract.

940. Article 12 of the PSC states that "the dowry may consist of any lawful property having monetary value. The amount of the dowry must be substantial. Its maximum amount cannot be limited. The dowry constitutes the wife's property which she may dispose of as she sees fit."

941. The draft reform based on the presidential directives of 13 August 1992 will delete the sentence relating to the maximum dowry from article 12 of the PSC. This will reinforce the consensual nature of the entire marriage contract. It also represents a strengthening of the freedom of marriage and the economic rights of women and a recognition of their human value.

942. Article 13 of the PSC adds that: "the husband may not, if he has not paid the dowry, force the wife to consummate the marriage."

After consummation of the marriage, the woman to whom the dowry is owed can only demand payment of it. The husband's failure to pay it does not constitute grounds for divorce. Thus, non-receipt of the dowry is a legitimate ground for refusal by the wife of execution by consummation of the marriage, and the wife becomes a civil creditor of her husband. The debt becomes part of the woman's inheritance and thus a form of savings for difficult times.

943. In practice, the stipulation of the dowry in the act of marriage has become a pure and simple formality. Very often all that is said is that "a dowry of one symbolic dinar for the bride" has been established and this is done in order to combat the old customs and to make the conditions of marriage easier for young people.

REGISTRATION OF MARRIAGE AND DIVORCE

944. In Tunisian law, registration of acts of marriage and divorce judgements are mandatory under the law, in conformity with the provisions of articles 33, 34, 35, 40 and 41 of the code of civil status.

945. Article 33 reads: "Notaries are required, before sending the marriage document to the parties concerned and within a period of one month from the date of preparation of the document, to send to the civil registry official of their district a notice of marriage in conformity with the model annexed to this Act."

Any infraction of the provisions is punishable by a fine.

946. Article 34 reads: "As soon as the notice of marriage has been received, the civil registry official shall record it in the marriage registry and notify the civil registry official of the place of birth of each of the spouses of the marriage."

947. Article 35 reads: "The civil registry official of the place of birth of each of the spouses shall be required to make a note of the marriage in the margin of the notice of birth of each of the spouses."

948. Article 40 reads : "Judgements or decisions granting divorce or recognizing the annulment of a marriage and having become res adjudicata must be recorded in the civil register of the place where the marriage was recorded. Mention shall be made of the judgement or decision in the margin of the records of marriage and birth of the spouses."

949. Article 41 reads: "The record referred to in the preceding article shall be the responsibility of the registrar of the jurisdiction which issued the divorce or recognized the annulment of a marriage.

"For that purpose, the operative part of the judgement or decision shall be transmitted by the registrar, on penalty of a fine of 10 dinars, within a period of ten days from the day of expiration of the time for appeal to the competent civil registry official, who shall immediately return a receipt."

950. The time for appeal against judgement or decisions in matters of divorce or annulment shall be one month from the day of issuance of the judgement or decision and shall apply to all its provisions, including the imposition of damages.

951. The appeal shall be filed with the registrar of the jurisdiction in which the judgement or decision was issued.

The two paragraphs above are "interpretive" in character.

ANNULMENT OF POLYGAMIST MARRIAGES

952. As polygamist marriages are void, they have no legal effects between spouses except after the decision of annulment.

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953. Article 21 of the PSC provides that:

"A union which includes a clause contradictory to the essential conditions of the marriage or which is concluded in contravention of the provisions of article 3, paragraph 1, article 5, paragraph 1, and articles 15, 16, 17, 18, 19 and 20 of this code, shall be void.

Where criminal prosecution is to be carried out in application of article 18 above it shall be ruled on by a single judgement dealing with the infraction and the annulment of the marriage.

Spouses whose marriage has been declared void and who continue or resume living together are subject to imprisonment for six months.

Article 53 of the criminal code (extenuating circumstances) is not applicable to the infractions referred to in this article.

954. Article 22 adds that: "The union referred to in the preceding article shall be null and void without the requirment of divorce. In such a case a wedding ceremony shall have no effect in itself. The consummation of a void marriage shall have only the following effects:

"(a) The right on a wife's part to claim the dowry stipulated by the marriage document or by the judge;

(b) The establishment of a relationship of direct descent;

(c) An obligation by the woman to observe the period of statutory widowhood beginning with the separation;

(d) The impediments to marriage resulting from the union."

ABSENCE OF LEGAL FREE UNION

955. The idea of the family and the preservation of the interests of children are highly respected in Tunisia because of its identity and the Arab-Muslim civilization to which it belongs.

The Tunisian legislator does not recognize free union or concubinage. The courts very often assimilate free union to a marriage concluded outside the legal norms and apply to concubines the penalties of the above-mentioned articles 18 or 21 of the PSC.

957. Children born of a free union are natural children and have no rights with respect to the father.

958. Article 152 of the PSC states that the children of such a union shall inherit only from their mother and her relatives.

959. Only the mother and her relatives shall have a claim to the succession of such children.

960. In a case of coercion by the husband of his spouse, the criminal provisions concerning violence shall be applicable (arts. 218, 219 and 319 of the criminal code).

RIGHTS AND RESPONSIBILITIES OF SPOUSES

961. Article 23 of the PSC, establishing the reciprocal rights and obligations of the two spouses, which is regarded as being the charter of the Tunisian family, states that:

"The husband must treat his wife with benevolence and live in good relations with her. He must avoid doing injury to her.

"He must assume the expenses of the marriage and provide for the needs of his wife and their children to the extent of his capacity and in accordance with the status of the wife. The wife shall contribute to the expenses of the marriage if she has property.

"The wife must respect the prerogatives of the husband as head of the family and, to that extent, owes him obedience.

"The wife must fulfil her conjugal duties, in conformity with usage and custom."

962. After establishing the general framework for a new legal family structure and laying the foundations for the emancipation of woman by giving her a legal status equal to that of men, the legislator did not hesitate to make the necessary changes in the Personal Status Code whenever they were required by the development of the new legislation.

This progressive approach derived from a clear concern for the maintenance of a balance between the rights and duties of the two spouses and for the rights of the children.

963. Thus, if one of the two spouses abuses his or her rights or fails to fulfil his or her obligations the other may obtain a divorce with damages (art. 31 of the PSC). In addition, the family magistrate may grant the woman some or all of the rights of guardianship normally granted the father.

964. The draft reform proposed by the President of the Republic in order to strengthen the rights of women makes several modifications in article 23 of the PSC. It establishes the principle of mutual support on an equal basis for the husband and wife in the management of the household and the supervision of children and makes the participation of the wife in contributions to household expenses mandatory if she has an income or property.

TREATMENT OF SPOUSES

965. It was desirable to consider a conjugal link between the aggressor and his victim an aggravating circumstance and to leave the choice of proceedings to the

aggrieved spouse. That will be done immediately in the draft reform inspired by the Presidential speech of 13 August 1992.

966. The draft also abolishes the extenuating circumstances clause of article 207 of the criminal code covering a husband who kills his wife on discovering her in the act of committing adultery. It thus preserves the woman's right to life no matter what her crime and establishes equality of the sexes in the criminal law relating to crimes of passion.

AGE OF MAJORITY

967. In Tunisian law, the age of majority is the same for men and women.

Article 7 of the civil status code as amended by Decree of 3 August 1956 provides that "any individual of the male sex who has reached the age of 20 shall be of age for the purposes of this law."

968. Article 153 of the PSC does not contradict this general rule in providing that "anyone who has not reached the age of 20 shall be considered incompetent by reason of minority."

969. The draft reform inspired by the Presidential speech of 13 August 1992 will re-establish the rule of capacity for marriage for both men and women marrying before reaching their legal majority.

RIGHT OF WOMEN TO CHOOSE A NAME, A PROFESSION OR AN OCCUPATION

970. Women have the same rights as men in the choice of a name, a profession or an occupation. No discrimination on the basis of sex is made in this respect. The husband cannot even require his wife to take his name. She may keep her family name.

971. Although Tunisian women may use the name of their husband during marriage and widowhood, they must retain the family name they received at birth. Their legitimate children must take the name of their father. It is customary for children repudiated by their father and whose direct descent with respect to the father is not established to take the name of their mother.

972. However, the practices inherited from colonialism have led many women to use the name of their husband. This custom nevertheless has no legal foundation.

Thus, Tunisian women may go to law and make contracts only under their family name. Their identity cards and passports give their family name followed by the notation, "wife of Mr. ...".

RIGHT OF WOMEN TO OWN, ACQUIRE, KEEP AND TRANSFER PROPERTY

973. Both the code of contracts and obligations and the property code make no distinction respecting sex with regard to ownership, acquisition, management or transfer of property.

DISPOSITION BY MARRIED WOMEN OF THEIR PROPERTY

974. The system of separate property for spouses is the rule in Tunisian law. Married women may dispose of property acquired during marriage on the same conditions as their husbands.

RIGHT OF WOMEN TO FREEDOM OF FAMILY PLANNING

975. Tunisian women have the full right to decide freely and responsibility on the number and spacing of births. They have access, without being required to ask anyone's permission, to the information and services of the family planning centres spread throughout the territory of the Republic.

Tunisian experience with respect to family planning is moreover exemplary, as is evident from several reports by the World Health Organization and demographic research.

EQUALITY OF MEN AND WOMEN WITH RESPECT TO DIVORCE

976. Article 30 of the PSC provides that "divorce shall take place only before a court" and at the same time establishes the duty of the magistrate to attempt reconciliation, as, under article 32 of the PSC "the court may not grant a divorce without having made every possible effort to establish the reasons for the conflict between the spouses and failed in an effort to reconcile them."

977. The positive aspect of the PSC is the establishment by article 31 of equality between men and women with respect to the dissolution of the matrimonial bond and the complete elimination of the masculine privilege of unilateral repudiation of the wife by her husband.

978. The court may grant a divorce, according to article 31 of the PSC as amended by Act 81/7 of 18 February 1981:

1. By mutual consent of the spouses;

2. At the request of one of the spouses on grounds of injury;

3. At the request of the husband or the wife.

979. Thus, the freedom of the spouses with respect to divorce is complete and is granted without distinction as to sex. Tunisian women may request divorce on the same basis as men and obtain it in the same conditions.

OBLIGATIONS OF DIVORCED HUSBANDS

980. The provisions of article 32 of the PSC provide that should the effort to reconcile a couple fail, the President (conciliating magistrate) may at that stage order any necessary measures concerning alimony.

981. He shall establish the amount of alimony taking into account the information available to him during the reconciliation effort. This is done through a recorded enforceable order which is not subject to appeal or application for judicial review but can be altered so long as the substance of the matter has not been ruled on. During the judgement phase, the court will rule first on the request for divorce and on the counts deriving from it. It will establish the total allowance payable to the divorced women and rule on the urgent measures (including child support) ordered by the conciliating magistrate. The provisions of the divorce decree with respect to alimony are enforceable notwithstanding appeal or application for judicial review.

982. The decisions of the courts with respect to alimony are respected. Once they have been notified to the debtors they may give rise to criminal proceedings for abandonment (art. 53 bis of the PSC).

983. The draft reform authorizes the suspension of criminal proceedings or execution of the penalty if the convicted debtor pays his debt.

The President of the Republic in his speech of 13 August 1992, recommended that "the provisions referring to alimony should be amended to ensure that children continue to receive an allowance until their majority or the completion of their schooling. For girls, the support should continue to be provided beyond the age of majority unless the person concerned has a source of income or contracts marriage."

CUSTODY OF CHILDREN

984. "During the marriage the father and mother shall have custody" (art. 57 of the PSC); however, if the marriage is dissolved by death the surviving father or mother shall have custody. If the marriage is dissolved during the lifetime of the spouses custody is granted either to one of them or to a third party. The magistrate decides taking into account the interests of the child (art. 67 of PSC). Judicial practice with respect to custody is in conformity with the legal provisions; however, the courts, taking into account the interests of the child, very often tend to favour the mother, particularly in the case of custody of a young child or a female child.

985. The draft reform based on the Presidential speech of 13 August 1992 gives a divorced women who is the guardian of her minor children certain privileges of guardianship such as administration of the business affairs, education, travel and bank accounts of the child. If the father abuses his privileges, and the interests of the child so require, the family magistrate may grant the mother the remainder of the privileges of guardianship.

EDUCATION OF CHILDREN

986. The custody granted the mother and father during marriage (art. 57 of the PSC) consists of raising the child and ensuring its protection at home (art. 54 of the PSC).

987. In case of divorce, the court usually grants custody of her children to the mother. She may then bring them up as she wishes.

However, "the father or guardian of the child may, unless otherwise decided in the interests of the child, have a right of inspection of the child's affairs, to provide for its education and to send it to educational establishments; the child cannot, however, spend the night with the person having guardianship over him.

LEGAL OBLIGATIONS CONCERNING THE PAYMENT OF ALIMONY TO A DIVORCED MAN OR WOMAN

988. A married or divorced man can never have a right to alimony from his wife. This is an expression of the influence of Islamic law on family law in Tunisia.

989. The wife, on the contrary, has a right to alimony from the time of consummation of the marriage. Article 38 of the PSC provides that "the husband must support his wife after the consummation of the marriage and during the statutory period of widowhood in case of divorce."

990. In more general terms, article 23 of the PSC provides that "the husband must provide for the expenses of the marriage and the needs of his wife and their children to the extent of his ability and in accordance with the status of the wife. The wife shall contribute to the expenses of the marriage if she has property."

991. The draft reform introduces a revolutionary innovation by establishing a "guarantee fund for alimony and life annuities of divorced women" which will be responsible for paying creditor wives and children the sums not paid by delinquent debtors and be able to recover these sums from the debtors by means of a civil action for recovery.

DIVISION OF PROPERTY BETWEEN FORMER SPOUSES AFTER DIVORCE

992. As Tunisian matrimonial law has adopted the system of separation of property, the property shared by former spouses is divided after divorce on the basis of provable ownership. Article 26 of the PSC provides that "in case of dispute between the spouses regarding ownership of property in the conjugal home and in the absence of proof, the claim of the husband and wife, under oath, to the property belonging customarily to men and to women shall be honoured. If the property in dispute is merchandise it shall be allocated, on oath, to the spouse doing business. Property owned by both men and women shall, under oath by the spouses, be divided between them."

993. Household work and unpaid agricultural work by the woman are not taken into account in evaluating the contribution of the spouses to the value of the property.

994. However, the Tunisian legislator, out of a concern for equity, has adopted a different formula. The law provides that "with respect to the (divorced) woman, the material damage shall be compensated for in the form of an allowance payable monthly and on a fixed schedule, after the expiry of the mandatory period of widowhood, on the basis of the standard of living, including housing, to which she was accustomed during her conjugal life. This allowance shall be subject to review for increase or decrease in the light of changed circumstances and shall continue to be paid to her until her death or until her situation changes owing to remarriage or lack of further need of the allowance. This allowance shall become a debt against the estate at the time of death and must therefore be settled by arrangement with the heirs or judicially, in the form of a lump sum payment calculated taking into account the beneficiary's age at that date. The beneficiary may, however, in lieu of the aforementioned arrangement, choose to receive the allowance in the form of a lump sum payment."

RIGHTS OF WOMEN IN RESPECT OF GUARDIANSHIP AND ADOPTION

995. Guardianship: The father is the guardian of his minor child. The mother becomes the guardian only after the death or incapacitation of the father.

"The father shall be the guardian of a minor child and in case of death or incapacity of the father the mother shall be the legal guardian subject to the provisions of article 8 of the PSC concerning marriage. The father's will shall take effect only after the death or incapacitation of the mother. In case of death or incapacitation of the parents and in the absence of a guardian under the will, the magistrate shall appoint a guardian (art. 154 of the PSC as amended by Act 81/7 of 18 February 1981).

966. It should also be pointed out that the President of the Republic in the speech referred to above proposed that "the mother having custody of her children should be provided with the legal means to take charge of her children's affairs if the separated spouse should commit any offense in the exercise of his rights as guardian out of resentment of his ex-wife or evade his duties as guardian or abandon his domicile without a forwarding address."

997. Direct descent: is established "by cohabitation, by acknowledgement by the father or the testimony of two or more honourable persons" (art. 68 of the PSC). Direct descent is not established in the case of repudiation of the child of a married woman whose non-cohabitation with the husband is proved or of a child born to a married woman a year after her husband's absence or death or the date of divorce (art. 69 of the PSC).

Thus, with respect to paternity, the mother and father are not equal before the law since the father alone can establish his paternity by acknowledgement of the child while the mother must provide proof of paternity.

998. Rupture of the paternal line of descent excludes the child from relationship with the father's family (art. 72 of the PSC). Accordingly, an illegitimate child inherits only from its mother and her relations. The mother and her relations alone will have a claim to the estate of the said child (art. 152 of the PSC).

RIGHTS AND OBLIGATIONS OF WIDOWS

999. The widow has the right to inherit from her deceased husband. She is entitled to one quarter of his estate if he has left no descendants able to claim his succession (art. 94 of the PSC). She is entitled to only one eighth if there are descendants (art. 182 of the PSC).

1000. This successoral right of the widow differs from that of the widower. It is smaller. The widower is given half of his wife's estate, provided that she has no descendants, either male or female (art. 93 of the PSC). He receives one quarter if there are descendants who can claim the wife's succession.

1001. The widower has no obligations. The widow, however, must observe a statutory period of widowhood of four months and ten days (art. 34 of the PSC) in order to be sure of paternity in case of pregnancy.

MARRIAGE OF WIDOWS WITH THEIR DECEASED HUSBAND'S BROTHER

1002. The widow has no social or legal obligation to marry the brother of her deceased husband. Free choice of a spouse and freedom of marriage are both principles firmly established in Tunisia.

TUNISIAN WOMEN AND THE LAW OF SUCCESSION

1003. With respect to succession, the Personal Status Code follows the Islamic system of succession in determining the respective position of male and female heirs.

1004. At the time of the prophet, the Koranic provisions relating to rights of succession represented a great advance for women. In a fiercely patriarchal context, they were granted "revolutionary" rights.

Islam did not wish to offend the mentalities of its time, and the proclamation that women had a right to inherit, after having themselves been subject to inheritance, was followed by giving male heirs twice the share of women in estates. But that principle was not followed in all cases; thus, in the same circumstances, the husband inherits twice as much as his wife and the son inherits twice as much as his sister, but the mother and father inherit the same shares.

Those rules are adopted in the Personal Status Code.

1005. Nevertheless, the Tunisian legislator, wishing to institute greater equality with respect to the right of women to inherit, made a number of improvements in the legislation by Act 59/77 of 19 June 1959.

1006. The first of these changes, introducing the mechanism of "reversion", was incorporated into article 143 bis.

"Reversion" (or rad) consists in the system by which, in the absence "agnat" (male) heirs, and if the succession is not completely absorbed by the mandatory heirs (fardh), the remainder reverts to the mandatory heirs. Under the amendment, this system was extended to the surviving spouse.

1007. Thus, the situation of women with respect to inheritance was substantially improved as it became possible for a woman who was the sole heir of the deceased to inherit the whole of the estate. Women had not had that right until 1959, as the Treasury had been given preference.

1008. The second improvement with respect to the right of women to inherit was also introduced by the same article of the PSC which, by its last paragraph, makes it possible for the daughter and grand daughters of the paternal line (ad infinitum) to pre-empt their paternal uncles and the descendants of those uncles completely with regard to successoral rights. That right of pre-emption had not been given women before 1959. Only sons of the deceased could benefit from it.

1009. A second technique, that of the "mandatory legacy", was introduced with respect to succession and has also contributed to improving the position of women with respect to succession.

Contained in articles 191 and 192 of the PSC, the principle of the mandatory legacy as instituted by the Tunisian legislator gives grandchildren born of a predeceased son or daughter the right to a claim against the succession. The Tunisian legislator thereby instituted equality with respect to the descendants of predeceased sons and daughters.

1010. Tunisian law makes no distinction on the basis of sex with respect to the nature of the property which can be inherited or granted to a male or female successor or legatee.

XVI. CONCLUSION

1011. The Convention on the Elimination of All Forms of Discrimination against Women and the forward looking strategies for the advancement of women adopted at the Nairobi World Conference for Equality, Development and Peace are undoubtedly among the greatest advances for women's rights throughout the world of recent decades.

1012. Tunisia has adopted the principles and measures set forth in these international instruments and strives constantly to extend its reforms and improves its legislation in order to further human and women's rights whenever the need makes itself felt.

1013. However, in order to make the equality of men and women a reality, the most difficult task is effective implementation of the laws, for the best laws in the world may remain a dead letter if specific measures are not taken to ensure their implementation and if women are unaware of their rights and duties.

1014. Nevertheless, in an economic and social context in which traditions and mentalities were rather conservative, the political vision was clear and forceful. Conscious of the importance of the role women should play as full citizens, the Tunisian legislator has been able progressively to establish a system of laws embodying individual rights as well as social, economic and political rights, so that the two components of society, men and women, complement each other and work together for the building of a balanced and modern society.

1015. Since independence, Tunisia has been a pioneer in this field and has given women the place belonging to them by right. That principle has been given even greater emphasis in the Tunisia of renewal.

1016. Thus, the President of the Republic, in his speech of 31 March 1989, said that "in our society, women remained for centuries a fixed and inert element. With independence, she acquired rights which guaranteed her dignity as a human being and a citizen. We have more than once reaffirmed our commitment and the commitment of the State to defending her rights and her gains. We will work to strengthen and deepen them. More than that, we will work to develop them so as to guarantee women effective participation in the struggle our people are conducting for progress."

1017. This irreversible political will to consolidate and develop the role of women has not confined itself to the often utopian channel of the law. Many social, cultural and educational measures have been taken to establish the essential foundations for the development of mindsets able to absorb the meaning of the laws, so that the facts will be consonant with the laws and the collective consciousness of men and women incorporate the new vision of society.

1018. Moreover, the establishment of the mechanisms and infrastructures needed to monitor questions of the status of women, the encouragement of the representation of women at the various levels of decision-making and in the information media, the use of specific statistical indicators for the status of

women in various fields all constitute indispensable means for attaining the goals projected. Tunisia has made a great deal of progress in this direction.

1019. Women are now active partners in the family, the productive world and within the social and political institutions, as the agents and beneficiaries of development.

1020. However, the worsening of international conflicts and the multiplication of the threats to peace in the world have diverted resources vital for development to destruction ends and have led to a situation in which the funds available for the implementation of programmes and projects for women in the developing countries within the framework of international cooperation have fallen short of expectations.

ANNEXES

ANNEX I

TUNISIA'S RESERVATIONS a/

The Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations General Assembly in its resolution 35/180 of 8 December 1979 is intended to eliminate discrimination against women and to ensure equal rights for men and women.

The Convention contains a preamble and 30 articles covering all aspects of equal rights in the political, economic, social cultural and civil fields. It commits States parties to enact legislation to eliminate all discrimination against women and recommends that they adopt temporary special measures aimed at accelerating de facto equality between men and women and take appropriate measures to modify the social and cultural patterns of conduct perpetuating discrimination.

Other measures are intended to ensure equal rights for women in political and public life, equality of access to education and choices with respect to programmes, non-discrimination in employment, remuneration and job security, including non-discrimination on the grounds of marriage or maternity. The Convention emphasizes that men and women have equal family responsibilities. It also stresses the need for the provision of social services, including child-care facilities, to enable parents to combine family obligations with work responsibilities and participation in public life.

The Convention also includes measures for the provision on a non-discriminatory basis of health services for women, including those related to family planning, other measures to ensure quality of men and women before the law and by which the States Parties "agree that all contracts and all other private instruments of any kind with a legal effect ... directed at restricting the legal capacity of women shall be deemed null and void." b/ The problems of rural women are given special attention.

It is to be noted that almost all of the provisions of the Convention are already applied in Tunisia. However, some provisions are not in conformity with our current legislation. It is for that reason that our desire to participate in the international order has not caused us to overlook the specific features of our domestic law and a number of statements and reservations have been made with respect to some provisions of the Convention, to the following effect:

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a/ These reservations were made on deposit of the instruments of ratification of the Convention on the Elimination of All Forms of Discrimination against Women by Tunisia in 1985.

b/ Part IV, art. 15, para. 3.

1. General declaration

The Government of the Tunisian Republic states that it will enact no legislation or regulation pursuant to the provisions of this Convention contrary to the provisions of article 1 of the Constitution. c/

2. Reservation concerning article 9, paragraph 2

"The Government of the Tunisian Republic expresses reservations with respect to the provisions of article 9, paragraph 2, of this Convention, which should not be interpreted as contrary to the provisions of article 6 of the Code of Tunisian Nationality".

3. Reservation with respect to article 16, paragraph 1 g and h

"The Government of the Tunisian Republic does not consider itself bound by article 16, paragraphs 1 (c), (d) and (f) of this Convention. It also states that the provisions of paragraphs 1 (g) and (h) of that article shall not constitute an obstacle to the provisions of the Personal Status Code respecting the family names of children and the acquisition of property by succession".

4. Reservation with respect to article 29, paragraph 1

"The Government of the Tunisian Republic states that pursuant to article 29, paragraph 2 of this Convention, it does not consider itself bound by the provisions of paragraph 1 of that article to the effect that any dispute between two or more States parties to the Convention which is not settled by negotiations shall be submitted to arbitration by the International Court of Justice.

"The Government of the Tunisian Republic considers that such disputes should be submitted to the arbitration of the International Court of Justice only with the consent of all the parties to the dispute in each specific case."

5. Declaration

Pursuant to the Vienna Convention on the Law of Treaties of 23 May 1969 d/, the Government of the Tunisian Republic wishes to state that the provisions of article 15, paragraph 4, including those concerning the choice by women of their residence and their domicile, should not be interpreted as being contrary to the provisions of the Personal Status Code, including its articles 23 and 61.

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c/ Article 1 of the Tunisian Constitution states that "Tunisia is a free, independent and sovereign State; its religion is Islam, its language Arabic and its form of Government the Republic".

d/ United Nations Treaty Series, vol. 1155, No. 18232, page 332.

Statement of reasons

Reservation: article 9, paragraph 2

"The Government of the Tunisian Republic expresses reservations with respect to the provisions of article 9, paragraph 2, of this Convention, which should not be interpreted as contrary to the provisions of article 6 of the Code of Tunisian Nationality."

Article 9, paragraph 2 of the Convention provides that "States parties shall grant women equal rights with men with respect to the nationality of their children."

Although our legislation has made real progress towards the establishment of complete equality between the two sexes, it remains subject to the imprint of Muslim law, which establishes the principle of masculine privilege.

The application of article 9, paragraph 2 of the Convention would mean that a child born of a Tunisian mother is Tunisian. In Tunisian positive law, however, the attribution of nationality by reason of the line of descent is verified automatically only for the father. This follows from the Code of Tunisian Nationality, which states that "the child of a Tunisian father is Tunisian", whatever the nationality of the mother and its place of birth.

Moreover, that rule is explained by the spirit of article 23 of the Personal Status Code, which confirms masculine privilege in its full extent and thus makes the father the head of the family.

Accordingly, Tunisian nationality is attributed to a child by reason of maternal descent only in the two restrictive cases enumerated in article 6, paragraphs 2 and 3 of the Code of Nationality:

"[these are] when the child is born of a Tunisian mother and an unknown or stateless father or one whose nationality is unknown;" or "when the child is born in Tunisia of a Tunisian mother and a foreign father."

Consequently, the provision contained in article 9, paragraph 2 of the Convention is incompatible with article 6 of our Code of Nationality, in view of the inequality of rights granted to men and women under our legislation with respect to the nationality of their children.

Declaration with regard to article 15, paragraph 4

"Pursuant to the Vienna Convention on the Law of Treaties of 23 May 1969, the Government of the Tunisian Republic wishes to state that the provisions of article 15, paragraph 4, including those concerning the choice by women of their residence and their domicile, should not be interpreted as being contrary to the provisions of the Code of Personal Status, including its articles 23 and 61."

Article 15 (4) of the Convention provides that men and women shall have the same right to choose their residence and domicile freely. That freedom is guaranteed for all citizens (article 10 of the Constitution); it is, however,

limited for married women by article 23 of the Personal Status Code, which provides that the wife owes obedience to the husband, and that he has the right to choose the domicile, unless that has been stipulated in the marriage contract. The same is true of a mother who has the right of custody but loses that right if she changes her domicile (article 61 of the PSC).

Reservation: article 16, 1 (c), (d), (f), (g), (h)

"The Government of the Tunisian Republic does not consider itself bound by article 16, 1 (c), (d) and (f) of this Convention. It also states that the provisions of paragraphs 1 (g) and (h) shall not constitute an obstacle to the provisions of the Personal Status Code respecting the family names of children and the acquisition of property by succession."

1. Under article 16, paragraph 1 (c) of the Convention, States parties undertake to ensure on a basis of equality of men and women "the same rights and responsibilities during marriage and at its dissolution."

Although this provision is fully applied under Tunisian law with regard to the dissolution of marriage, the same is not true for the rights and responsibilities of the spouses during conjugal life.

Thus, contrary to article 31 of the Personal Status Code, which permits women to request and obtain divorce on the same basis as men, article 23 calls for women to "respect the prerogatives of the husband as the head of the family and to that extent show him obedience." On the same subject of rights and responsibilities, the Personal Status Code requires the husband to "meet the expenses of the marriage and provide for his wife and their children to the extent of his abilities and in accordance with the wife's status", while the wife is required to contribute to the expenses of the marriage if she has property.

In other words, article 16, paragraph 1 (c) of the Convention in that part of it respecting the rights and responsibilities of men and women during marriage is not entirely compatible with some provisions of our positive law.

2. Article 16, paragraph 1 (d) provides that "men and women (have) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children ...". In this respect, the incompatibility of this article of the Convention with two relevant provisions of our domestic legislation must also be noted:

(a) Firstly, article 8 of the Personal Status Code provides that: "The closest agnat relative shall consent to the marriage of a minor. He must be of sound mind, of the male sex and of age."

Thus, if the father is deceased, the mother does not have the right to consent to the marriage of a minor child.

(b) Moreover, article 93 of the Code of Obligations and Contracts, concerning the responsibility of fathers and mothers for the actions of their minor children, provides that "the father and after the death of the husband,

the mother shall be responsible for damages caused by their children below the age of 18 and living with them."

Thus during the lifetime of the husband, he alone is responsible for the damages caused by his children under the age of 18.

3. Article 16, 1 (f) provides that men and women have "the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children ...".

Here again it is to be noted that men and women do not have the same rights in Tunisia. Thus, even though the father does not have trusteeship of the child he nevertheless retains the right to provide for his education and to send him to school (article 60 of the Personal Status Code). That right has not been extended to women.

4. Article 16, paragraph 1 (g): With respect to the choice of family name, women do not have the same rights as men as regards the naming of their children.

5. Article 16, paragraph 1 (h): with respect to the acquisition of property by succession, the legislation in force in Tunisia does not give the same rights to men and women. Hence our reservation with respect to that form of acquisition.

Reservation: article 29, paragraph 1

"The Government of the Tunisian Republic declares that in accordance with article 29, paragraph 2 of this Convention, it does not consider itself bound by the provisions of paragraph 1 of the same article under which any dispute between two or more States parties to the Convention concerning the interpretation or application of the Convention which is not settled by negotiation shall be submitted to arbitration by the International Court of Justice at the request of one of the parties to the dispute.

The Government of the Tunisian Republic considers that such disputes should be submitted to arbitration or to the International Court of Justice only with the consent of all parties to the dispute in each specific case."

This reservation maintains the normal procedure of requiring the agreement of all parties to a dispute before the dispute can be submitted to the International Court of Justice.

ANNEX II

TEXT OF NEW LEGISLATION ADOPTED AFTER THE PREPARATION OF THIS REPORT EMBODYING THE LATEST MEASURES ANNOUNCED BY THE CHIEF OF STATE IN HIS SPEECH OF 13 AUGUST 1992

The Chief of State's speech of 13 August 1992 heralded a new era for Tunisian women in the consolidation and practical implementation of their rights. Draft laws intended to embody the political choices expressed in this speech were under discussion in the Chamber of Deputies while this report was being prepared. These laws have just been adopted and promulgated; their text is contained in this annex.

ACT NO. 93-62 OF 23 JUNE 1993 AMENDING ARTICLE 12 OF THE CODE OF TUNISIAN NATIONALITY

In the name of the people:

Having been adopted by the Chamber of Deputies;

The President of the Republic promulgates the following act:

Single article. Article 12 of the Code of Tunisian Nationality shall be annulled and replaced by the following provisions:

Article 12 (new): A child born abroad of a Tunisian mother and a foreign father shall become Tunisian provided that he claims that status by declaration within a year preceding his coming of age.

However, before reaching the age of 19, the applicant shall become Tunisian upon joint declaration by his father and mother.

The declaration shall in both cases be made in conformity with the provisions of article 39 of this Code.

The person concerned shall acquire Tunisian nationality on the date on which the declaration is registered, subject to the provisions of articles 15 and 41 of this Code.

This act shall be published in the Official Gazette of the Tunisian Republic and executed as State law.

Tunis, 23 June 1993 — Zine El Abidine Ben Ali

ACT NO. 93-65 OF 5 JULY 1993 ESTABLISHING AN ALIMONY AND DIVORCE ALLOWANCE GUARANTEE FUND

In the name of the people:

Having been adopted by the Chamber of Deputies;

The President of the Republic promulgates the following act:

First article: A fund shall be established to guarantee the payment of the alimony or divorce allowance payable pursuant to a judgement in favour of divorced women and their children in accordance with the provisions of this Act.

This fund, called "the alimony and divorce allowance guarantee fund", shall be administered by the National Social Security Fund.

Article 2. Divorced women and their children in whose favour final judgements have been issued relating to alimony or a divorce allowance which have not been executed owing to the delinquency of a debtor may submit a request for payment of the amounts due them to the alimony and divorce allowance guarantee fund. The delinquency of the debtor shall be considered established if he is the subject of a court proceeding for family abandonment in conformity with the provisions of article 53 bis of the Personal Status Code.

The fund shall pay the alimony or allowance to those entitled to it monthly within two weeks from the date of submission of the request in proper form.

Article 3. The alimony and divorce allowance guarantee fund shall assume the rights of those entitled to the alimony or allowance with respect to the person owing the amounts due under a judgement. It shall have the power to institute recovery proceedings for those sums up to the amount it has paid.

Article 4. The claims of the alimony and divorce allowance guarantee fund shall enjoy the general privilege of the Treasury. The fund shall recover the amounts due under the claims by means of writs issued by the National Social Security Fund and made enforceable by the Minister of Social Affairs. These writs shall be enforceable against opposition.

Article 5. The amount of alimony or divorce allowance due under a judgement which has not been paid by the debtor to the alimony and divorce allowance guarantee fund shall be increased by a fine for delay which shall be paid by the debtor to the fund. This fine for delay shall be calculated on the basis of the legal rate of interest applicable in civil cases. It shall be in effect from the date of notification of the debtor by the fund.

The fund shall also have the right to obtain reimbursement of the costs of recovery of the claim by the debtor.

Article 6. The amount of the alimony or divorce allowance paid by the alimony and divorce allowance guarantee fund shall be increased by 5 per cent for administrative costs payable to the National Social Security Fund. The

amount of this increase shall be paid by the person owing the alimony or divorce allowance together with the principal amount of the claim.

Article 7. The alimony and divorce allowance guarantee fund shall be financed by the following resources:

- A contribution from the State budget;
- The alimony or divorce allowance payments and lateness penalties recovered from debtors together with the costs of recovery;
- Income from the fund's invested capital;
- Gifts and bequests;
- Other resources allocated to the fund.

Article 8. The National Social Security Fund shall have the right to take any action and institute any legal proceeding appropriate to the protection of the rights of the alimony and divorce allowance guarantee fund. It shall be required to be represented in all cases to which it is a party.

Article 9. The alimony and divorce allowance guarantee fund shall terminate its payments of alimony or divorce allowance whenever there is no further reason to make the payment. Anyone who has improperly received payments from the fund shall be required to repay them immediately.

Anyone who has knowingly received or attempted to receive payments from the fund to which he is not entitled shall be liable to the penalties provided for by Article 291 of the Criminal Code. The alimony and divorce allowance guarantee fund shall retain its right to obtain damages in an amount at least equal to the amount paid by the fund.

Article 10. The procedure by which the alimony and divorce allowance fund may take legal action shall be established by decree.

This act shall be published in the Official Gazette of the Tunisian Republic and shall be executed as a State law.

Tunis, 5 July 1993 Zine El Abidine Ben Ali

ACT NO. 93-66 OF 5 JULY 1993 AMENDING THE LABOUR CODE WITH RESPECT TO NON-DISCRIMINATION ON GROUNDS OF GENDER (1)

In the name of the people;

Having been adopted by the Chamber of Deputies;

The President of the Republic promulgates the following act:

First article. The following article 5 bis shall be added to the labour code:

Article 5 bis. No discrimination between men and women shall be made in the application of the provisions of this Code and the legislation adopted to implement it.

Article 2. The provisions of articles 135 and 234 shall be annulled and replaced by the following provisions:

Article 135 (new). In agricultural work, wages and benefits in kind shall be freely discussed at the time of hiring. However, base wages shall not be less than the minimum wage established by a decree which shall specify inter alia:

(1) The daily minimum wage rate for an agricultural worker without vocational qualifications over 18 years of age;

(2) The minimum rate for technical, field and seniority bonuses;

(3) The conditions for the remuneration of children.

For work customarily paid by the piece, the job or output, wage rates shall be fixed so that the remuneration of a worker with normal output for the legal work period shall be at least equal to what he would have received on the basis of the minimum daily wage.

(4) Farm products supplied to workers for consumption by them shall be valued at their wholesale price.

Article 234 (new). Any violation of articles 5 bis, 8, 9, 21, 27 to 29, 31, 45, 53 to 56, 61 to 67, 69, 73 to 78, 85 to 90, 92 to 95, 98 to 100, 104, 106, 108 to 113, 115, 117 to 121, 123 to 133, 139 to 144, 153 to 157, 159 to 166 and 199 of this code shall be punishable by a fine of 4 to 12 dinars.

This Act shall be published in the Official Gazette of the Tunisian Republic and executed as a State law.

Tunis, 5 July 1993 — Zine El Abidine Ben Ali

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ACT NO. 93-74 OF 12 JULY AMENDING CERTAIN ARTICLES OF THE PERSONAL STATUS CODE

In the name of the people,

Having been adopted by the Chamber of Deputies,

The President of the Republic promulgates the following act:

First article. Articles 2, 6, 12, 23, 28, 32, 43, 44, 46, 53 bis, 60, 67 and 153 of the Personal Status Code shall be annulled and replaced by the following provisions:

Article 2 (new). Each of the two fiances shall have the right to the restitution of gifts given to the other except in the case of breach of promise or a stipulation to the contrary.

Article 6 (new). The marriage of a minor shall be subject to the consent of his or her guardian and mother.

If the guardian or mother refuses consent and the minor continues to desire the marriage the matter shall be brought before a magistrate.

The judgement authorizing marriage shall not be subject to appeal.

Article 12 (new). The dowry may consist of any lawful property of monetary value. It shall belong to the wife.

Article 23 (new). Each of the spouses shall be considerate of, maintain good relations with and avoid causing injury to the other.

Both spouses shall fulfil their conjugal duties in conformity with custom and usage.

They shall cooperate in managing the family's affairs, the proper education of their children and the conduct of their affairs, including education, travel and financial transactions.

The husband, as head of the family, should provide for the needs of his wife and children to the extent of his capacity and according to their status in terms of household needs.

The wife shall contribute to the family's expenses if she has property.

Article 28 (new). If the marriage is dissolved before its consummation for a reason imputable to one of the spouses, the gifts given by either spouse after the marriage has taken place shall be returned in their current state whether altered or not. No restitution shall be made after the consummation of the marriage.

Article 32 (new). The presiding magistrate shall choose the family magistrate from among his assistant magistrates.

The divorce shall not be pronounced until after the family magistrate has made an effort and failed to achieve reconciliation.

If the defendant does not appear and has not been personally notified, the family magistrate shall postpone consideration of the matter to a later hearing and shall request the assistance of any other person he considers appropriate in personally notifying the party concerned or determining his actual domicile in order to bring him before the court.

If there are one or more minor children, three reconciliation hearings shall be held, at an interval of at least thirty days between hearings.

During this period the magistrate shall make every effort to achieve a reconciliation. To that end he may call on the services of any person he considers appropriate.

The family magistrate shall order, if necessary by constraint, whatever urgent action is required with respect to the residence of the spouses, alimony, the custody of children and visitation rights. The parties may agree to waive these measures, provided that such waiver is not harmful to the interests of the minor children.

The family magistrate shall establish the amount of alimony in the light of the information available to him during the effort of reconciliation.

The urgent measures shall be set out in a recorded enforceable judgement not subject to appeal but which may be reviewed by the family magistrate until the substance of the case has been decided.

The court shall issue an appealable judgement on the divorce after a period of reflection of two months preceding the pleadings. Is shall also rule on all the counts arising from it, establish the amount of the allowance due the divorced wife after the expiration of the statutory period of widowhood and rule on the urgent measures ordered by the family magistrate.

The magistrate may shorten the procedure in a case of divorce by mutual consent provided the interests of the children are not thereby harmed.

The provisions of the judgement concerning custody of the children, alimony, the allowance, the residence of the spouses and visitation rights shall be enforceable notwithstanding appeal or annulment.

Article 43 (new). The following shall be entitled to support:

(a) Fathers and mothers, paternal grandparents of whatever degree and maternal grandparents of the first degree.

(b) Descendants of whatever degree.

Article 44 (new). Well-off children of both sexes shall be required to provide support for needy parents, paternal grandparents of whatever degree and maternal grandparents of the first degree.

Article 46 (new). Support shall continue to be provided to children until they reach adulthood or until they finish their studies provided that they are not over the age of 25. A daughter shall continue to be entitled to support as long as she has no resources and is not the responsibility of her husband.

Support shall also continue to be provided to handicapped children unable to earn their living without regard to their age.

Article 53 bis (new). Whoever, having been sentenced to pay alimony or a divorce allowance, shall voluntarily allow a month to elapse without making the payment imposed on him shall be punished by imprisonment of three months to one year and a fine of 100 to 1,000 dinars.

Payment shall terminate the proceedings, trial or execution of the penalty.

The alimony and divorce allowance guarantee fund shall in the circumstances prescribed by the act establishing the fund pay the alimony or divorce stipulated in the final judgements rendered for the benefit of divorced women and the children born of their union with the debtors which have not been executed owing to the delay of the debtors.

The guarantee fund shall assume the rights of the beneficiaries to the judgement for the recovery of the sums it paid.

Article 67 (new). If a marriage is dissolved by death custody shall be granted to the surviving parent.

If a marriage is dissolved during the lifetime of the spouses custody shall be granted to either of them or a third party.

The magistrate shall decide taking the interests of the child into account.

Should custody be granted to the mother she shall enjoy all the prerogatives of guardianship with respect to the travel and education of the child and management of its financial accounts.

The magistrate may grant the attributes of guardianship to the mother having custody of the child if the guardian is unable to exercise guardianship, abuses his responsibility, neglects to fulfil appropriately the obligations arising from his responsibility or is absent from his domicile and is without a known address, or for any reason prejudicing the interests of the child.

Article 153 (new). Anyone who has not reached the age of 20 shall be considered incompetent by reason of minority.

A minor shall become adult by marriage with respect to personal status and the management of his or her civil and commercial affairs if over the age of 17.

Article 2. The following article 32 bis shall be added to the Personal Status Code:

Article 32 bis: A spouse employing fraudulent misrepresentation to prevent notification of the other spouse shall be subject to a penalty of imprisonment for one year.

This Act shall be published in the Official Gazette of the Tunisian Republic and executed as a State law.

Tunis, 12 July 1992 Zine El Abidine Ben Ali

ANNEX III

ADDRESS BY PRESIDENT ZINE EL ABIDINE BEN ALI
ON THE OCCASION OF WOMEN'S DAY

(13 AUGUST 1992)

In the name of God, the Merciful, the Compassionate,

Ladies and Gentlemen,

I am happy, on the occasion of the celebration of the 36th anniversary of Women's Day, to address my most sincere congratulations and best wishes to all Tunisian women and men.

I should like, in particular, to salute those fighters and patriotic militants who sacrificed themselves for the advancement and progress of Tunisian women and worked to help them recover their rights, their dignity and their humanity, after a long period of eclipse and marginalization, so that they could assume fully the national role that belongs to them.

Ladies and gentlemen,

One of the glories of our people is that it was among the first to free itself of its complexes, to have abolished all discrimination based on gender, to have opened the way to women's work and their combat side by side with men and to have watched over their rights and advances. Another reason for pride is that the advancement and emancipation of Tunisian women was motivated less by feminist considerations or any sense of inferiority or injustice than by the noblest humanitarian, civic and patriotic motives. It was a question of responding to the call of duty which entailed the combination of the efforts of all, complementary sacrifices by all, the union of their hopes and desires and the joining of all classes and regions to free themselves from underdevelopment, despoiling and occupation, during the period of reform, the national liberation movements and the dawning of independence, the time for the construction of a modern State and a new society.

These battles fought in solidarity have been crowned by the restoration of women to their place in society, the recognition of their advances and the establishment of their rights, within the framework of the civil and religious values our people uphold and to which they are proud to conform. The fruit of this battle has been the Personal Status Code promulgated on this very day in the year 1956, that is to say the very year in which the Tunisian people acceded to independence. That Code was a sign of gratitude to all Tunisian men and women for everything they had done for the glory and invincibility of their country by those struggles and sacrifices. Less than a year later, the men and women of Tunisia chose the republican system, a proof of their faith in the maturity of all our citizens, men and women, of their capacity to take their fate into their own hands and of their equality of rights and duties.

It was these same values that were enshrined in the new Code of 7 November, when we affirmed that "our people have reached a level of responsibility and

maturity at which all its elements and components are able to make their constructive contribution to the management of its affairs, in conformity with the republican idea which gives institutions full scope and guarantees the conditions for a responsible democracy with respect for popular sovereignty as inscribed in the Constitution.

The Personal Status Code met a conjunction of religious and lay desires. Its provisions therefore represent the distillation of an effort of legal interpretation based on fundamentals and final ends while it is at the same time the fruit of the values our age has favoured because of the development of society and its interaction with reality as mediated by modern ideas and currents of thought, both social and political. The result represents a harmonization and unification of the teachings of pure faith and the requirements of social progress.

By this achievement our country has once again distinguished itself from all other countries and peoples. The struggles waged and the effort made have thus been crowned by this Code, which does not, moreover, limit itself to women's rights but covers everything that concerns the family, the basic unit of any healthy and balanced social edifice, mutual aid between men and women and the complementarity of the human, social and economic ties that unite them. That is what has led us all to assist in the construction of the modern State and its institutions, the strengthening of the foundations of modern Tunisian society, its progress and its flowering through the spread of education, teaching and culture, social and health benefits and the building of the national economy.

Ladies and gentlemen,

The change of 7 November will give new impetus to this work, in its largest sense, and further strengthen these advances and rights for the benefit of all Tunisian women and men, in accordance with the principle we adhere to of matching the development of law to the development of society. That principle guarantees stability and gradual progress by avoiding any unconsidered action and anything that may disturb social order or shock feelings and convictions and by ensuring, on the contrary, that they develop and ripen through participation and agreement. We have in fact been less concerned to extend these rights than to promote their practice in its full scope, convinced as we are that the relevant laws are those which come to crown the results and the progress achieved at the level of action, which gives the texts a solid foundation and confers on them their full legitimacy. From that point of view we have placed rights and duties on an equal footing for all citizens, men and women alike, and done so without the slightest discrimination and in the framework of a global approach from which no one is excluded on the basis of region, social rank, field of activity or ideology.

Concerned to achieve this balance, we have given special care to everything that required increased attention and everything that national duty called on us to raise to the general level of progress. Thus women have been the object of a special effort on our part.

We have accordingly reaffirmed our special interest in the education and vocational training of girls. We have considered that the effectiveness of educational reform depended on equal opportunities for girls and boys and the participation of mothers in the education of children. We have encouraged women's associations, the consciousness raising caravans and the anti-illiteracy programmes. At the same time, we have drawn attention to the importance of the role of women in the education of the younger generations on a balanced and healthy basis through the inculcation of spiritual and patriotic values and the immunization of our sons and daughters against extremism and terrorism. In that respect, we have emphasized that it is society as a whole that is the target of those threats, which search for the slightest breach in sensitive areas like the educational system and the rights and advances of women, which are still relatively recent and have come after a long period of abuse and negation inherited from the era of decadence, of intellectual sclerosis and the break with the tradition of Ijtihad. Convinced of the need to strengthen the consciousness of these advances and rights in women in particular and in the collective national memory as a whole, we have directed that an institute of documentation and research on women be established.

Furthermore, and out of concern to promote the participation of women in the economic and social development of the country which has as its complement cultural development, we have established a special "Women and Development" commission as part of the preparation of the Eighth Plan, in addition to the contribution of women to the preparatory work at the local and regional level as well as within the relevant organizations. To complete this work, we have appointed women to important posts within the State machinery, as a reward for their competence and in order to encourage women to become increasingly present and active in national life.

At the beginning of this year, we asked an expanded commission to examine ways and means of promoting and strengthening the advances of women without altering our Arab-Islamic identity. We also asked the High Committee on Human Rights to do the same thing.

The two bodies have completed their work and have submitted a set of recommendations and suggestions some of which relate to general principles and provisions while others deal with legislation, including legislation with respect to employment, personal status and nationality.

We shall transmit the suggestions which require amendment of the laws to the competent authorities within the State apparatus to examine in greater detail, to bring those which have been chosen into the procedures and laws in force and to implement them.

Ladies and gentlemen,

One cannot permit the marriage of a girl below the age of twenty, with all the legal consequences that follow and at the same time consider her a minor who must ask for her guardian's consent in everything that concerns her private life, indeed her own business. To be able to fill the role of wife and mother, logic requires that the marriage of a woman below the age of majority have the effect of emancipating her.

That is why it was necessary for the marriage of girls of 17 to have the effect of enabling them to take charge of their personal lives and their own affairs.

To associate the mother in consent to the marriage of her daughter is, we think, only a confirmation of our belief that conjugal life is based on mutual aid and agreement between the spouses in everything that concerns their children as well as a guarantee of the actual consent of a daughter below the age of twenty and, later, of the preservation of the ties of marriage against possible ruptures because of the mother's opposition to the marriage.

The evolution of family life and more particularly the change that has taken place in the composition of the household, which is most often limited to the father, the mother and the children, the complexity of daily life and ways of life, the many legal acts required in connection with the lives of children from earliest infancy, all these things require us today to find ways to associate women in the management of their children's affairs, because they are the closest of all to them. Mothers having custody of their children must also be given the legal means to be able to take charge of their children's affairs if a separated spouse should commit any abuse in the exercise of his rights of guardianship out of resentment of his ex-wife, or if he should evade his duties as guardian or abandon his domicile without known address. It is paradoxical that a mother who has opened a bank account for one of her minor children should be unable to withdraw money from the account because she does not have the right of guardianship, and it is unjust because she has the right to dispose of her property and has the power to recover what she has given.

Marriage is not an ordinary legal bond. It is an institution in the full sense of the term, on which the whole edifice of social life rests.

On the health of that institution depends the health of the family, which is the basic unit of society. That is why it has become imperative to provide that institution with as many guarantees as possible. There can be no question of allowing anyone to take the bonds of marriage lightly by employing the quibbles some do not hesitate to resort to in order to exploit legal loopholes and the simplicity of the procedures applicable to ordinary contracts.

In order to preserve the integrity of that institution we are going to rationalize the procedures relating to summons in divorce cases and establish a special system guaranteeing the presence at the hearing of the parties concerned or making sure that they have been informed of the summons and of the actual significance of the divorce judgement in case of the absence of the person ordered to pay the expenses. It is out duty to rethink the system of reconciliation hearings so as to enable the magistrate to make every effort to induce the two parties to reflect seriously and to avoid the irreparable.

We are announcing today our decision to establish a fund to guarantee the payment of alimony and support ordered by a magistrate for divorced women and their children and claimable from spouses ordered to pay. This action is required because of the recalcitrance of many of these spouses to paying, which sometimes has a very negative effect on the lives of the divorced women and their children. This provision will enter into force beginning with next year.

Moreover, we recommend that magistrates be trained in the field of women's rights as well as experts on personal status and other social and psychological aspects and that thought be given - why not? - to establishing special family affairs courts.

In order to maintain the unity and solidarity of the family and enable it to fulfil its social function as well as possible, we recommend that the provisions relating to support be revised so that children continue to receive support until they reach adulthood or finish their schooling. For girls, the allowance would continue to be paid beyond the age of majority unless they have another source of income or marry.

Out of parental piety, and on the basis of the mandatory legacy from paternal or maternal ascendants to their grandchildren, without distinction of gender, we intend to revise the Code so that maternal ascendants have a right to support from their grandchildren.

Ladies and gentlemen,

The matrimonial bond is based on mutual affection and conjugal understanding. Thus the unity of the family is preserved and children protected against the negative effects that may result from tension between spouses. The mutual respect required of spouses cements ties, preserves the couple and strengthens the family.

That is why it is the duty of the two spouses to show patience if problems arise, to be reasonable and to engage in dialogue. It is shocking for a husband to behave violently towards his wife or vice versa. Concerned as we are to see conjugal disputes kept within the family circle, we are equally concerned to ensure that such behaviour be avoided. That is why we have established two principles with respect to such abnormal behaviour, both following from the need to maintain the cohesion of the family: maintenance of the complaint depends in each case on the desire of the injured party; but if that party does not withdraw the complaint and if the offence is established and comes before the courts, the matrimonial bond is to be considered an aggravating circumstance in punishing the offence.

Women's work is the key to their progress. It represents a great advance for them, for the family and for society as a whole. While reaffirming that right, we intend to strengthen it through legislation and regulation. Among other things, we intend to add a general article to the Labour Code establishing the rule of non-discrimination between men and women in employment. At the same time, we will delete from the Code any provisions that might be regarded as discriminatory. That applies to the guaranteed minimum agricultural wage (SMAG), although no discrimination exists in practice, in conformity with the international convention to that effect ratified by our country and establishing equality between men and women with respect to remuneration.

The many international conventions ratified by our country concerning women's work are a part of the protective framework we must provide for them. They are a protection, an advantage and a mark of consideration. They should not be seen as an effort to denigrate women, deprive them of their rights or

create obstacles to their right to work. For the international community, as represented by the International Labour Organization, has adopted these protective measures and, far from finding them at all discriminatory, has seen them as guarantees of women's rights to work. Having said this, and in order to keep pace with the requirements of progress, we have decided to ratify the Additional Protocol to International Labour Convention 89 expanding the area of exceptions to the prohibition of night work for women, while establishing certain specific guarantees.

In the same context, we have decided to restore nursing breaks for women in the public service not entitled to maternity leave.

In order to promote women's work and to open opportunities for them in all fields, we recommend that the bodies responsible for vocational training remove any obstacles to women and allow them access to all opportunities for specialization in various crafts and trades.

In 1994 the international community will celebrate the International Year of the Family. This will provide an occasion to assess the actions of Governments in that field and to plan future strategies with respect to the family, the basic unit of society. In that context, we have decided to establish a national commission made up of recognized experts in order to prepare for the Year, draw up a report taking stock of what has been accomplished by our country in that field, and outline a future strategy for the family.

Wishing to give the family the attention it requires in all its aspects, and to resolve some problems arising from the marriage of Tunisian women with foreigners, we have decided to amend the Code of Nationality in order to enable any Tunisian woman married to a non-Tunisian to give her nationality to children born of that marriage without the condition that they be born in Tunisia, but subject to the consent of the father.

Convinced as we are of the capacity of women to assume the highest responsibilities of the State and society, recognizing their merits in the various areas of public life, and concerned to consolidate their position and their activity side by side with men, I am happy on this occasion to announce the establishment of the post of Secretary of State to the Prime Minister for women and the family. I am also happy to announce that a number of especially brilliant women have been appointed directors of ministerial offices.

All these measures, by which we intend to consolidate the advances of women and of the nation as a whole, are an integral part of the gradual, complete and deep reform we have undertaken to carry out in every political, economic, cultural and social field, because those sectors are interdependent and complement each other, and because every step forward in one makes it possible to move forward and to reinforce the others. We think that since the change and thanks to the work and self-sacrifice of all the national forces we have achieved great successes in all those fields. We are determined to spare no effort and to persevere in the service of the people and the fatherland. That is the noble duty that the sense of national responsibility and sacred duty imposes on every citizen, male and female, throughout our beloved country.

Knowing that some women's rights still require reaffirmation and constant support, we understand completely the misgivings of some women who fear a change of course if not some restriction of those rights. That is why we wish to reaffirm our commitment to those advances and our determination to defend and extend them.

From that point of view, we recommend that more information be made available on women's rights and advances, in order to make them better known, together with the efforts being made by women in all fields. We also call on the media to treat those rights and advances positively and to make an effort to correct certain preconceived ideas about women.

And if safeguarding and promoting those advances are the business of all, it is no less true that they are in the first instance the responsibility of women. It cannot be accomplished unless women prove continually that they deserve those advances by their effective participation in all fields of life and every level of national activity, by their devotion to civic and religious values and by their determination to thwart every effort to arouse scepticism and frustration and to harm them. In that effort they must count firstly on themselves, as well as on the women's organizations and associations in every occupation and in the various fields of activity. They can be sure that they will find all the support they need in the structures of civil society.

In this way we will bring about the triumph of women's progress and that of society as a whole. Women will be able to assume their proper role in the construction of the new society based on balance and solidarity.

In addition to our daily tasks, important political dates await us. They will provide an occasion to assess the extent to which women have fulfilled this responsibility and to evaluate their response to events.

"Every believer, man or woman, who does good will enter into paradise and be rewarded there without measure" (Koran).

ANNEX IV

INTERNATIONAL INSTRUMENTS RELATING TO WOMEN'S RIGHTS
RATIFIED BY TUNISIA

International Labour Convention No. 4: Night work (women) 1919, revised 1948; ratified by Decree of 25 April 1957; its Additional Protocol of 1990 was ratified by Act No. 92-114 of 20 November 1992.

International Labour Convention No. 41: Night work (women), revised 1934; ratified by the same Decree.

International Labour Convention No. 45: Underground work (women), 1935; ratified by Decree of 25 April 1957.

International Labour Convention No. 95: Protection of wages, 1949; ratified by Act No. 58-46 of 2 April 1958.

International Labour Convention No. 111: Discrimination (Employment and Occupation), 1958: ratified by Act No. 59-94 of 20 August 1959.

International Labour Convention No. 118: Equality of treatment (social security); ratified by Act No. 64-30 of 2 July 1964.

International Labour Convention No. 122: Employment policy; ratified by Act No. 65-44 of 21 December 1965.

Convention on the Political Rights of Women, New York (31 March 1953); ratified by Act No. 67-41 of 21 November 1967.

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, New York, 10 December 1962; ratified by Act No. 67-41 of 21 November 1967.

International Covenant on Economic, Social and Cultural Rights, New York, 19 December 1966, ratified by Act No. 68-30 of 29 November 1968 and published by Decree No. 91-1664 of 4 November 1991 (Official Gazette of the Tunisian Republic No. 81 of 29 November 1991).

International Covenant on Civil and Political Rights, ratified by Act No. 68-30 of 29 November 1968.

International Convention on the Elimination of All Forms of Racial Discrimination, New York (21 December 1965), ratified by Act No. 6-70 of 28 November 1966.

International Labour Convention No. 100: Equal remuneration, 1951; ratified by Act No. 68-21 of 2 July 1968.

International Labour Convention No. 127: Maximum weight, 1962: ratified by Act No. 69-39 of 26 July 1969.

Convention against Discrimination in Education, 14 December 1960, UNESCO, Paris; ratified by Act No. 69-40 of 26 July 1969.

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949. Tunisia's accession to the Vienna Convention on State Succession by Act No. 81-48 of 18 June 1981 obviated its ratification of this first Convention.

Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979; ratified by Act No. 85-68 of 12 July 1985, published by Decree No. 91-1821 of 25 November 1991 (Official Gazette of the Tunisian Republic, No. 85 of 13 December 1991).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, entered into force on 26 June 1987, signed by Tunisia 26 August 1987 and ratified on 23 September 1988.